COMMITTEE OF THE WHOLE
8 November 1989

TO: His Worship the Mayor and Members of Council

FROM: Walter Nolan, Vice Chairman
Planning Advisory Committee

DATE: 8 November 1989

SUBJECT: R-2AM Zone Review Fairview Plan Area - Proposed MDP and LUB Amendments

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City Council, at a meeting held on 28 January, 1988 requested the Planning Advisory Committee "to review the areas affected and advise on whether such rezoning should still be considered or whether a zoning change should take place to reduce the development potential under the R-2AM Zone in all areas of the City".

Attached is the staff reports of 14 September, 1989, 29 November 1988, 12 July 1988 and, the transcript of the PAC public meeting or 29 November 1988.

At the 7 November meeting of the Planning Advisory Committee, the staff report of 14 September, 1989 was reviewed. It was resolved to recommend to Council to set a date for a Public Hearing on amendments to the Municipal Development Plan and the Land Use Bylaw on Option 4, Maintaining the Current Housing Mix - No Intensive Redevelopment of the 14 September, 1989 staff report.

Option 4 accepts the current housing mix and would not permit any further intensive infill and redevelopment in the Fairview Area. This is accomplished by amending the Fairview Area Plan's policies which permit development in excess of four units and by rezoning those areas zoned R-2AM (General Residential Conversion and Townhouse Zone) to R-2P (General Residential Zone). This is outlined in greater detail in the 14 September, 1989 staff report, Appendix D.

Walter Nolan

Walter Nolan, Vice-Chairman
Planning Advisory Committee

PLANNING ADVISORY COMMITTEE
19 September 1989
Supplementary Report
Case No. 5780

TO: Chairman and Members
Planning Advisory Committee

FROM: Paul Calda, P.Eng., City Manager

DATE: 14 September 1989

SUBJECT: R-2AM Zone Review Fairview Plan Area- Proposed MDP and LUB Amendments

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BACKGROUND

Subsequent to a staff report of 12 July 1988 and a PAC public meeting, the Committee on 17 January 1989, asked staff to prepare amendments which would maintain the R-2AM Zone but reduce its development potential (Alternative 3 of the 12 July 1988 report). Staff was specifically asked to consider controls that "will more fully respect the existing low density housing in the area and help maintain and encourage `family-type' housing".

After various zoning options and their implications were discussed at PAC meetings in March and April on 16 May 1989, the PAC requested that proposed policy and regulation pay particular attention to: affordability; encouraging buildings with a traditional orientation to the street with private open space in the form of front and rear yards, such as townhousing; and structures that would be compatible to existing single-family character.

DISCUSSION

There are four alternatives provided here to achieve the suggestions of the Committee. Very broadly they include plan and bylaw amendments to permit by-right redevelopment through a revised R-2AM zone, redevelopment by development agreement, a combination of both by-right and development agreement and last eliminating intensive redevelopment and maintaining the current housing mix. The first three alternatives provide for eight and ten unit townhousing and stacked attached townhousing while the latter permits a maximum of four units. The options are

summarized below with more detail provided in the attached appendices.

These options are considered by staff to be workable. However, it is noted that the development by agreement alternative will require more administrative time and expense by the developer, staff and Council. The flexibility offered by this approach and the opportunity for Council and public scrutiny of specific developments, may offset these additional costs.

By-right Development Alternative

Medium Density areas with a diversity of housing types would be zoned to permit R-2AM throughout by-right, however, the development potential for R-2AM would be reduced. Those areas with a more homogeneous character, with fewer small apartment buildings would be left R-2 and R-2P, with a potential for rezoning based solely on the availability of municipal services.

Appendix A gives a detailed analysis of the changes proposed, and, a comparison with other zones. Appendix B gives the proposed amendments to the Municipal Development Plan, the Land Use Bylaw and the Zoning Map to implement this alternative.

The proposed changes can be summarized as follows:

- Policy to enhance the family-type housing character of Fairview by permitting stacked and ground oriented townhouses rather than apartment buildings.

- Policy will provide for Land Use Bylaw regulations requiring landscaped open space for the use of residents and a buffer between parking areas and low density residential buildings.

- Amendments to the Land Use Bylaw are to control density with a minimum lot area of 1800 square feet for townhouses which will encourage the construction of 2 to 4 bedroom units suitable for families.

- A maximum of 8 townhouses or 10 stacked attached townhouse units, and permission for up to 3 clusters of townhouses or stacked townhouses are to be permitted on one lot, (to decrease overall bulk and increase siting flexibility) with a required orientation to the street for some of the units.

- Open space will be provided, either directly accessible to the unit or as part of a large landscaped open space (to facilitate recreational use by residents).

- Amendments to the parking regulations will require a setback from the streetline and from property lines abutting lower density areas, which must be landscaped and fenced

- Lot requirements are amended in keeping with LUB requirements for similar development in other zones, and to minimize lot consolidation and minor variance applications.

Development Agreement Alternative

Future redevelopment would only be permitted by a development agreement. As with the first option, those areas with a more homogeneous and less intensive existing development character should be left R-2 and R-2P and any further development potential in these areas would only be permitted if it is compatible with the existing neighbourhood based on an evaluation of each proposal against a set of guidelines. The general discussions of zoning and rationale in Appendix A provides the basis for the policies regarding the development agreements.

Those areas currently zoned R-2AM have a diversity of residential uses and it is proposed that the existing zoning remain intact. This would ensure existing land owners do not forfeit investments made under a recently adopted plan of Council or create additional non-conformity.

This alternative provides for similar controls discussed in the by-right alternative. The main difference is that the guidelines are less prescriptive hence providing more latitude for the developer and Council in proposing and evaluating specific developments.

In summary, the guidelines provide that:

- A minimum of two units are to be oriented to the street.

- A minimum of 50% of the units are to have direct access to a landscaped open space or a large common landscaped space, by either a main or secondary entrance.

- A minimum of 1800 square feet of lot area will be set for each unit and a maximum of 10 units per project.

- A minimum of 250 square feet of landscaped area per unit;

- Parking shall be at the rate of one space per unit, with no ground level parking in the front yard, and visually screened from adjoining properties. Parking under any portion of the building should be designed in such a way as not to be visible from the street.

- The front yard setback should respect the predominant existing set backs on a block but in no case be less than 15 feet.

- Side and rear yards shall respect neighbourhood norms but in no case should be less than 10 feet.

- Height will not exceed 35 feet.

- The architectural design, scale and building materials of the residential project will be compatible with the neighbourhood.

- Extreme topographic conditions and unconventional lot configurations may result in the reduction of any of the minimum conditions provided that adverse effects to adjacent properties do not occur.

Appendix A provides a detailed analysis of the changes proposed and Appendix C outlines the proposed amendments to the Municipal Development Plan and the Land Use Bylaw.

Combination of By-right Development and Development Agreements

This final option incorporates the basic elements of the previous two options. The specific amendments for the R-2AM zone in the "By-right Development" option would be set for those areas currently zoned R-2AM. It would however, create a number of non-conforming structures, something that the R-2AM Zone was designed to minimize.

While in those areas left as R-2 and R-2P, the only development potential for projects greater than 4 units would be by development agreement, utilizing the amendments proposed for the "Development Agreement" option. This would ensure that through staff, council and public review compatible development would be permitted in Medium Density areas, accounting for site specific factors and neighbourhood characteristics.

A detailed analysis of this option is not provided, as the discussions and amendments in Appendix B and C make this option self explanatory.

Maintaining the Current Mix: No Intensive Redevelopment

Staff is not convinced that the situation warrants the degree of planning control offered by the more complex alternatives discussed above. If it is the Committee's intent to recommend that the plan be changed it may be preferable to accept the

current mix of housing and not permit anymore intensive infill and redevelopment. This can easily be accomplished by deleting the references in Policy 1.3, 1.3.1 and 1.3.2 which permit limited redevelopment in excess of four units through rezoning and rezoning all areas within the Fairview Plan now zoned R-2AM to R-2P which permits only four units. Although existing R-2AM uses would become nonconforming the Plan allows redevelopment should they be 100 % destroyed by fire or otherwise. Alternatively, all existing R-2AM zoning could be retained and only the ability for rezoning be removed.

An analysis of this option is provided in Appendix A.

RECOMMENDATIONS

It is recommended that the alternatives for Plan and Bylaw amendments be reviewed by PAC for recommendation to City Council.

It is further recommended that alternative four -maintaining the current mix of housing without intensive redevelopment- be recommended to City Council.

Paul Calda, P.Eng.
City Manager

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Richard Matthews, Director of Development and Planning

APPENDIX A: ANALYSIS FOR PROPOSED PLAN AND LUB AMENDMENTS, FAIRVIEW R-2AM ZONE

BACKGROUND DISCUSSION

Neighbourhood Character

The Mainland R-2AM Zone, modelled on the Peninsula R-2A Zone, was intended to permit infill development on a scale compatible with both low and high density buildings already in place in the neighbourhood. Experience and public response has shown that other factors, such as treatment of yards, landscaped open space, area devoted to parking, privacy, and building design should be more effectively regulated.

Amendments prepared for the R-2A Zone to control the design of building additions in the South End were also subsequently adopted in the Mainland Zone. Their relevance to Mainland redevelopment projects, however, has proven to be limited. Rather, new amendments designed to permit infill development that will be compatible with the character of Mainland neighbourhoods are needed.

The character of the existing neighbourhood is created by the design of both the buildings and their grounds, and also by the lifestyles of present residents of the neighbourhood. The existing character of the Fairview area can be described as affordable family-oriented housing, including small homes with relatively large yards, 2 and 3 unit houses and a mix of small apartment buildings, often on irregular size lots where the terrain is hilly. These characteristics are significantly different from the Peninsula areas where the R-2A Zone is in place.

Lot Coverage, Parking Areas and Landscaping

Analysis of the four recent R-2AM developments and those proposed with two recent applications for rezoning shows that lot coverage by the building only exceeded 35 percent on 2 of the lots. In these cases maximum size buildings were built on lots not much larger than the minimum requirements. Most of the balance of the lot then had to be paved to provide adequate driveway and parking area for the 14 required parking spaces, leaving little room for landscaping or recreational use. Underground parking was included in only one example, where the lot was not large enough for all outdoor surface parking. Thus the impact of small apartment units, each requiring its own parking space is potentially greater than that of fewer, larger apartment units.

Projects with larger units such as townhouses, which usually have 2 to 4 bedrooms, offer the opportunity for family occupancy. Alternatively, small townhouses would be suitable for retired or handicapped people requiring easy access to ground level. In staff's opinion, townhouse type development can help to maintain the family character and stability of a mixed neighbourhood. However, the objective of affordable housing will be effected since more restrictive regulations that in particular require a townhouse form of construction will increase the cost of construction and in turn cost to the occupant. More restrictions in these areas of Fairview may, in fact, for the immediate future substantially reduce private market activity in the area.

In the present R-2AM zone most of the lot can be covered by the building, the required front and side yards and the parking area (often in the rear yard). This factor has almost eliminated the traditional backyard greenspace characteristic of medium density family-type neighbourhoods and neighbours have complained of negative impacts on light, privacy and aesthetics.

Provision for outdoor recreation opportunities on site has to date only been required in high density zones, where the LUB requirements are related to the size of the units (See Table 1). Even these requirements do not always ensure that open space useable for recreation purposes is provided, since landscaped front and side yards may be counted and often make up the total requirement. The provision of adequate on site greenspace is an important consideration.

Townhousing for Infill

Family housing with outdoor living space and a natural green landscape may be achieved through mixed development of townhouses and small apartment buildings. In comprehensive developments, a compatible mix is achieved through negotiation, and townhousing is often used as transition between low and high density areas. Townhousing is a flexible building form for irregular lots and slopes. It is also desirable for families in that each unit has direct access to ground level, and there is usually private landscaped open space for each unit or group of units.

The R-2AM Zone presently permits townhouses, but only on individual lots. Development applications have been for small apartment buildings because higher densities could be achieved.

BY-RIGHT DEVELOPMENT OPTION

The changes proposed in this option will eliminate the by-right ability to have apartment buildings greater than 4 units. Development beyond this will be restricted in form to townhouses, at grade or stacked, with a minimum lot area of 1800 square feet for each unit and limited to 8 row or 10 stacked units. To facilitate development of irregular lots and on slopes, and to encourage small building scale, it is further proposed to permit townhouses to be built in 2 or 3 separate building groups on the site.

Land Use Bylaw Requirements

To ensure that the scale of infill development will be compatible with the existing neighbourhood and appropriate to the Medium Density designation, density is controlled in the same manner as in the R-2P and R-2 Zones, limiting the number of units by the lot area. A maximum density of 60 persons per acre effectively reduces the development potential for bachelor to 2 Bedroom units by one third compared to what was realized in recent R-2AM projects. However, a higher density may be achieved by building units with more than 2 bedrooms. Other requirements are included to achieve appropriate treatment of the yard spaces, including location and buffering of parking areas and landscaped open space useable for recreation purposes by the residents.

Table 1 compares the existing land use bylaw requirements for apartment development in medium and high density zones on the Mainland, including comparison density estimates, with the proposed requirements for the R-2AM Zone.

Appendix B gives the complete text of the proposed LUB amendments.

Area Affected

It should be noted that amendments to the R-2AM Zone will affect all areas zoned R-2AM and C-2A on the Mainland (the Mainland C-2A Zone permits R-2AM uses). There is one area outside of Fairview, off Stoneybrook Drive, zoned R-2AM. It is shown on Map 1.

TABLE I: COMPARISON OF LAND USE BYLAW REQUIREMENTS FOR APARTMENT OR STACKED TOWNHOUSE DEVELOPMENT IN MAINLAND AREA MEDIUM AND HIGH DENSITY ZONES.

	R-2P	R-2AM Existing	R-2AM Proposed	R-3	R-4
Min. Frontage (ft.)	60	75	60	60	60
Min. Area (sq. ft.)	6,000	7,500	1,800/per unit	6,000	6,000
Max. Height (ft.)	35	35	35	50	60 degree angle controls
Min. Front Yard (ft.)	15	15	15	10-20	10-20
Min. Side Yard (ft.)	6	12	10	10' and 60 degree angle controls = 20' setbacks for 35' height	
Max. Lot Coverage	35%	40%	35%	50%	angle controls
Open Space Req.	-	-	250 sq. ft./unit (direct access) or minimum 1000 sq. ft./5 units (without direct access)	175 sq. ft. (direct access to unit): 275 sq. ft. for each 1BR apartment unit; 575 sq. ft. for each 2BR apartment unit.	
Landscaping Req.	-	-	all of required open space	80% of required open space	
Pop. Density*	46.5p/ac	92p/ac	60p/ac (for 2BR units)	75 persons per acre	
MDP-GFLUM Designation	MDR	MDR	MDR	HDR	HDR

* Population Density includes the lot area plus half the area of adjacent street; Density possible in the R-2P Zone is estimated based on a mixed neighbourhood of 1/3 single family, 1/3 duplex and 1/3 fourplex buildings on minimum size lots for each use; present potential density for the R-2AM Zone is an average of recent development densities based on Table 1 of the July 12, 1988 R-2AM Zone Review report and two pending applications for rezoning.

Zoning Map Amendment

Whereas the maximum density is now stated and ensures medium density demands on municipal services, it is possible to prezone larger areas for infill development. It is recommended that all R-2P areas around Titus Street and north of Dutch Village Road, where there is a great diversity of lot sizes, topographic problems and building types, be rezoned to permit townhouse infill. This should encourage compatible development by present landowners by eliminating the risks of having to go through a rezoning process, and enable development of new housing at a reasonable cost.

The portion of Dutch Village Road south of Sunnybrae Avenue,(zoned Peninsula R-2) which is designated as a principle street, is also proposed to be zoned all R-2AM. The lots in this area are large, existing development is mixed, and the traffic (to the BiCentennial Highway) may be expected to increase.

See the Proposed Zoning Map attached to Appendix B.

Plan Amendment Required

In order to give clear policy guidance regarding the City's intent in making these land use changes, and to give authority for the specific controls related to landscaping and fences, amendments to the municipal planning strategy must be made. Policy direction regarding which areas of Fairview should be zoned for townhouse infill development and how to protect the more homogeneous R-2P and R-2 areas from incremental rezoning applications is also included.

The proposed plan amendments for by-right development are contained in Appendix B.

DEVELOPMENT AGREEMENT OPTION

As noted in the previous discussion on the neighbourhood character, the areas currently zoned R-2AM have a mixture of residential forms, from single family dwellings to small apartments, with irregular size lots and hilly terrain.

The promotion of these smaller R-2AM apartments in the Fairview area has provided affordable housing units in close proximity to the downtown area. Furthermore, the demand for affordable housing in Halifax, particularly in vicinity of the peninsula, will continue to increase in the future.

The existing character of small apartments in these R-2AM neighbourhoods also lends itself to the provision of further small scale apartments with minimal disruption. Also based on

the notion that the land owner should not forfeit their existing development rights of those areas currently zoned R-2AM, makes for a strong argument to maintain the current R-2AM zone.

Those areas currently zoned R-2P and R-2 have a more homogeneous character of small houses with large lots. At the PAC public meeting and at the PAC, the rezoning from R-2 and R-2P to R-2AM was identified as creating the greatest degree of conflict. Primarily, the small apartments of the R-2AM zone were not considered compatible to a predominately single family area. Yet as noted in the previous discussion, there is room for limited development potential in the R-2P and R-2 zones that would be quite compatible to the existing neighbourhoods, if it were to take the form of townhouses or stacked townhouses.

In recognition of the sensitivity of the R-2P areas, limiting residential projects of greater than 4 units to townhouses and stacked townhouses by development agreements would ensure future developments would be compatible to the surrounding neighbourhood and the site specific characteristics of the site. The detailed amendments for this option are contained in Appendix C.

Although the development agreement option offers the greatest flexibility and assurance that future development in the R-2P areas will be complimentary to the existing neighbourhoods, it is not without costs to the developer and the City. Primarily, the approval process for any development will be lengthened and require greater time and effort by Council, City staff and the developer, however, staff consider that the benefits of this outweigh the costs.

COMBINATION OF BY-RIGHT AND DEVELOPMENT AGREEMENT OPTION

In the development of the previous two options, it became apparent that these could be combined to yield additional protection from development pressures for the Fairview area as a whole.

The amendments for the R-2AM zone of the "By-right development" option would be set for those areas currently zoned R-2AM. This would effectively reduce the development potential of the R-2AM residential projects to only townhouses and stacked townhouses. This is based on the assumption that the existing area zoned R-2AM has a sufficient number of small scale apartment buildings and the area would be enhanced with a greater mix of townhouses, stacked townhouses.

While in those R-2P and R-2 areas, the only development potential for projects of greater than 4 units would be by development

agreement, utilizing the amendments proposed for the "Development Agreement" option. This would ensure that only compatible development would be permitted in the R-2P zones, accounting for site specific factors and neighbourhood characteristics.

A detailed analysis of this option is not provided, as the discussions and amendments in Appendix B and C make this option self explanatory.

Maintaining the Current Housing Mix- No Intensive Redevelopment.

This alternative is quite straight forward in that it will eliminate the current policy in the plan that calls for redevelopment through rezoning to the R-2AM zone. It is proposed that the only by-right development to be permitted be through the R-2P zone which permits a maximum of four units. Current R-2AM zoned properties may be rezoned to R-2P and R-2 or maintained. If the former is chosen current small apartment buildings in excess of four units will become nonconforming however the plan by special policy protects their development rights should they be destroyed, by fire or otherwise, in excess of 75%.

Given that the concern of the residents is with the intensity of redevelopment offered by the plan and that municipal services in some instances are not up to standard i.e. sidewalks, or lack capacity i.e. sewers and storm drainage this option may be the most logical and expedient. Although investments will have been made under the R-2AM zone the four unit development capability is significant both for the developer and the home owner who may have a single family home in proximity to a number of apartment buildings and need redevelopment options to make his property marketable.

Another advantage is that these changes will be restricted to residential areas in the Fairview plan area and not effect, as do the other options, commercial properties in Fairview that permit R-2AM or residential areas zoned R-2AM outside of the plan area.

Appendix D contains the necessary plan and bylaw amendments.

APPENDIX B

BY-RIGHT DEVELOPMENT

PROPOSED PLAN AMENDMENT - FAIRVIEW SPS

Amend MDP Section VII Policies 1.3, 1.3.1, 1.3.2 and 1.5 to read as follows (amendments shown in **heavy type**):

Policy 1.3 In areas shown as "Medium Density Residential" on the Generalized Future Land Use Map (Map 9c) it is the City's intention to enhance the existing mixed low rise family-type housing character of the area and to permit redevelopment pursuant to Policies 1.3.1 to 1.3.2 and 1.6.

Policy 1.3.1 In medium density residential areas, the City shall permit a maximum of four units per building. **The City may permit new development in excess of 4 units through infill development in the form of townhousing and stacked townhousing** When considering applications for rezoning, the City shall have regard for Implementation Policy Set 4, in particular Policy 4.2 in regard to the capacity of municipal services.

Policy 1.3.2 **Pursuant to Policy 1.3 and 1.3.1 the Land Use Bylaw shall be amended to provide for infill townhouse development. In particular the bylaw shall provide for:**

i) landscaped open space for the use of residents;

ii) buffers between parking areas and lower density areas which must be landscaped and fenced;

iii) lot area and number of units to ensure densities compatible to the area and municipal services;

iv) that access to individual units is provided directly to the outdoors at ground level

v) provision for more than one structure on a lot

Policy 1.3.3 **Further to Policy 1.3.1, the Medium Density Residential area east of Berts Drive but not including the Percy Street area, where high density buildings are a significant part of the housing mix, shall be zoned for infill development.**

Policy 1.5 The Land Use Bylaw shall permit a residential apartment building within the area governed by this Strategy,

existing or approved by Council on the date of adoption of this Policy, if destroyed by fire or otherwise, to be reconstructed to its original size and density or some lesser dimension. Improvements to non-conforming apartment buildings which increase amenities for residents and compatibility with adjacent uses shall also be permitted excepting that no improvements shall permit an increase in allowable population density.

PROPOSED LUB (MAINLAND AREA) AMENDMENTS

Definitions

Amend subsection 2 (aaaai) to read as follows (amendments in heavy type):

(aaaai) "Stacked Townhouse" means one of 3 or more dwelling units that are horizontally and/or vertically attached and which each have a principal access to the exterior ground level directly from the unit. At least half the living area of each upper level unit shall be no more than 14 feet above ground level.

Add subsection 2 (ccca) to read as follows:

(ccca) "Townhouse" means one of three or more dwelling units attached by a common vertical wall extending from the foundation to the floor, each unit having a separate entrance at ground level.

General Provisions - Off-Street Parking

Amend subsection 9(a) iv to read as follows (amendments in heavy type); add subsection 9(vi) as follows:

(iv) Parking space for R-2AM, R-3 and R-4 uses shall be exclusive of the area of the entrance or driveway leading to such parking space provided, however, that such parking space shall not be situated within 5 feet of any official street line nor within 5 feet of any door or window serving a habitable room;

(vi) Driveways and parking areas for R-2AM uses in the R-2AM Zone, shall be setback 5 feet from any property line abutting any lower density residential zone where there is parking space for more than 4 vehicles in a front or rear yard, and such setback shall be landscaped with a curb and herbaceous ground cover, and with a hedge or an opaque wood or masonry fence at least 4 feet high at the property line.

Amend Sections 29BA(1) to 28BF(3) to read as follows **(amendments in heavy type)**:

R-2AM ZONE

MIXED TOWNHOUSE ZONE

Permissible Uses

28BA(1) The following uses shall be permitted in any R-2AM Zone:

(a) R-1, R-2 and R-2P uses as hereinbefore set out;

(b) townhouses **to a maximum of 8 attached units;**

(c) stacked townhouses to a maximum of 10 attached units; and

(d) uses accessory to any of the foregoing uses.

28BA(2) No person shall in any R-2AM Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1).

28BA(3) No person shall in any R-2AM Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1).

28BA(4) Notwithstanding subsection (2) above, apartment buildings existing on the date of adoption of this section in the R-2AM zone in the Fairview area shall be permitted to add balconies, staircases and storm porches to a maximum size of 40 sq. ft. each, and to make any interior alterations that do not increase the population density, provided the zone requirements for yards and the parking and landscaping requirements of Section 9 are met.

28BA(5) Notwithstanding Section 7, up to 3 buildings containing stacked townhouses and/or townhouses may be permitted on one lot provided the buildings are separated by a minimum of 20 feet and each building is individually connected to public services.

28BB No persons shall in any R-2AM Zone erect, place or display any billboard or sign except those permitted in R-1 Zones or in accordance with Section 30 below.

Requirements - Building Size

28BC(1) Buildings erected, altered or used for R-1, R-2, R-2P and R-2AM uses in an R-2AM Zone shall comply with the following requirements:

	Minimum Lot Frontage (ft.)	Minimum Lot Area (sq. ft.)	Minimum Side Yard (ft.)
Single Family	40	4,000	4
Duplex	50	5,000	5
Semi-detached	50	5,000	5
Townhouse (one unit per lot)	18	1,800	5**
Townhouses and Stacked townhouses (grouped on one lot)	60	1,800 per unit	10**
3 and 4 unit apartment building	60	6,000	6
Day Nursery	60	6,000	8

** At each end of the building.

28BC(2) Notwithstanding the above, Section 28AC shall also apply.

28BC(3) Front yards shall be 15 feet minimum.
Rear yards shall be 20 feet minimum.

28BC(4) Lot coverage shall be 35 percent maximum.

28BC(5) Height shall be 35 feet maximum.

28BC(6) A lot containing a semi-detached dwelling may be subdivided so that each unit is located on a separate lot provided that the lot for each unit contains a minimum frontage of 25 ft. and a minimum area of 2,500 sq. ft. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

28BC(7) **Any lot containing townhouses, stacked townhouses or 3 or 4 unit apartment building shall be designed to have a minimum of two units fronting on and gaining access from the street.**

Accessory Buildings, Corner Lots, Semi-Detached Dwellings, Boarders, Advertising

28BD Notwithstanding the provisions of Section 28BC(1), the requirement of Sections 26(f) to (h), (i) (2) and (3), 27 and 28 to 28B inclusive above shall apply.

Open Space

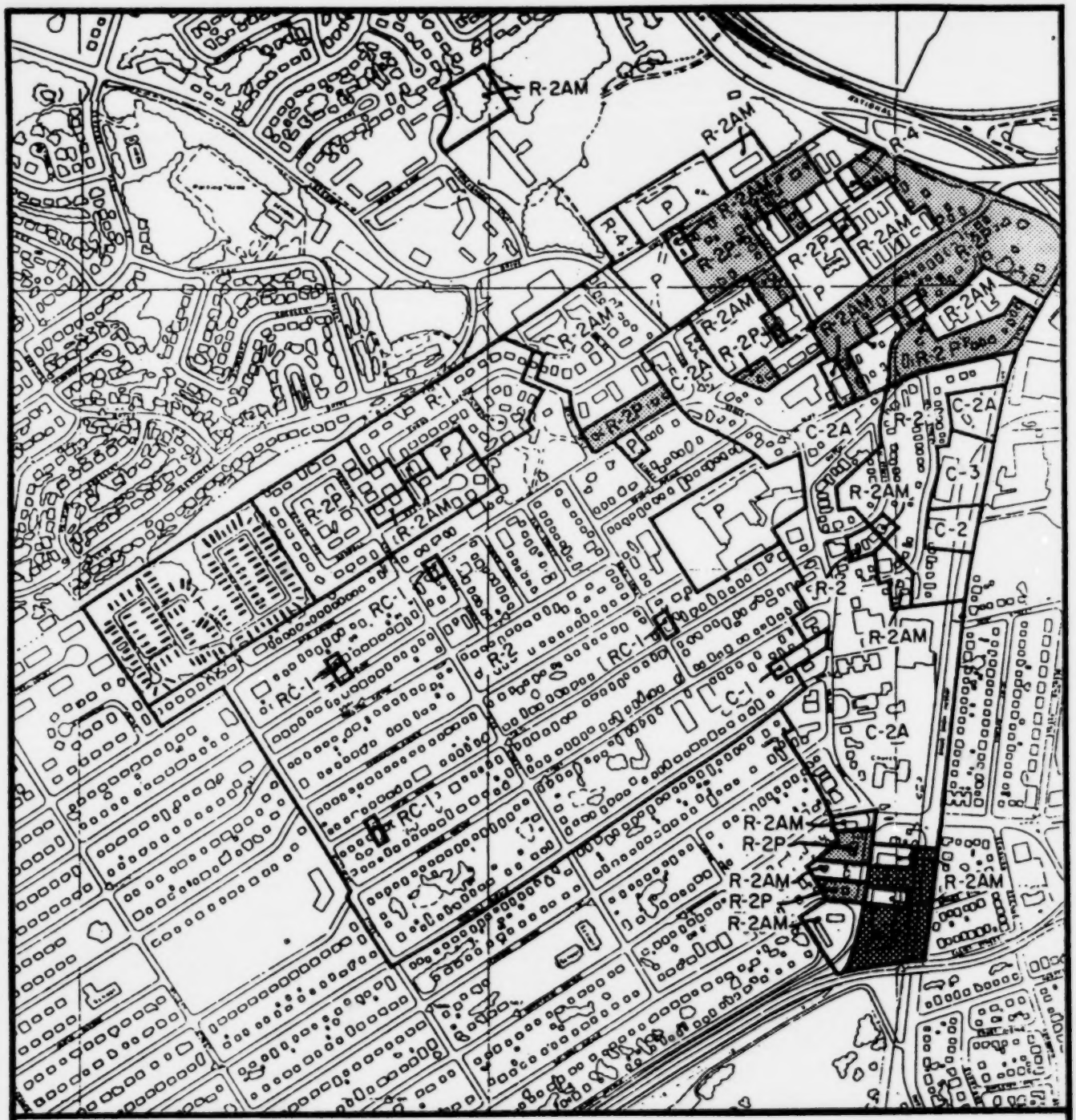
28BE **For townhouse and stacked townhouse uses, landscaped open space shall be provided at ground level or on a balcony or roof as follows:**

(a) 250 square feet with a minimum width of 15 feet for each dwelling unit directly accessible from the unit, or

(b) a continuous area of at least 1000 square feet with a minimum width of 25 feet for the first 5 or less units, such open space to be increased by 250 square feet for each additional unit.

Zoning Map Change

Rezone areas currently zoned R-2 and R-2P as shown on Map 1 to the revised R-2AM zone.



By-Right Development / Development by Agreement

Rezone from R-2P to R-2AM

Rezone from R-2 to R-2AM

- Map 1
Case No. 5780
September 1989

Feet
0 500

APPENDIX C

DEVELOPMENT AGREEMENT

PROPOSED PLAN AMENDMENT - FAIRVIEW SPS

Amend MDP Section VII Policies 1.3, 1.3.1, 1.3.2 and 1.5 to read as follows (amendments shown in **heavy type**):

Policy 1.3 In areas shown as "Medium Density Residential" on the Generalized Future Land Use Map (Map 9c) it is the City's intention to enhance the existing mixed low rise family-type housing character of the area and to permit limited redevelopment pursuant to Policies 1.3.1 to 1.3.2 and 1.6.

Policy 1.3.1 In medium density residential areas, the City shall permit a maximum of four units per building, and may permit **new residential development in excess of four units in the form of townhousing, stacked townhousing and apartment buildings only by development agreement.**

Policy 1.3.2 **In considering developments pursuant to Policy** 1.3.1 the following shall be considered:

(a) any development of greater than 4 units is designed to incorporate a minimum of two units oriented to the street;

(b) direct private access between a unit and the landscaped open space shall be provided for at least 50% of the units, by either a main or secondary entrance;

(c) a minimum of 1800 square feet of lot area per unit and a maximum of 10 units per project;

(d) a minimum of 250 square feet of landscaped area per unit;

(e) parking at the rate of one space per unit, ground level parking shall be exclusive of the front yard and visually screened from adjoining properties, parking under any portion of the building should be designed in such a way as not to be visible from the street;

(f) the front yard setback for those units facing the street should respect the predominant existing set backs on the block but should be no less than 15 feet;

(g) side and rear yards and the distance between all buildings on the lot should respect neighbourhood norms but in no case should be less than 10 feet;

(h) height shall not exceed 35 feet;

(i) extreme topographic conditions and unconventional lot configurations may result in the reduction of any of the above minimum conditions provided that adverse effects to adjacent properties do not occur; and

(j) any other considerations as Council may from time to time deem necessary, based on other policies of this plan which may apply.

Policy 1.3.3 For those areas designated "Medium Density Residential" on the Future Land Use Map of this Plan, the Land Use Bylaw shall maintain the R-2AM(General Residential Conversion and Townhouse)Zone, which permits multiple dwellings and additions to existing buildings for up to 14 units, on properties retaining such zone on the date of adoption of the development agreement provisions of Policies 1.3.1 and 1.3.2.

PROPOSED LUB (MAINLAND AREA) AMENDMENTS

Definitions

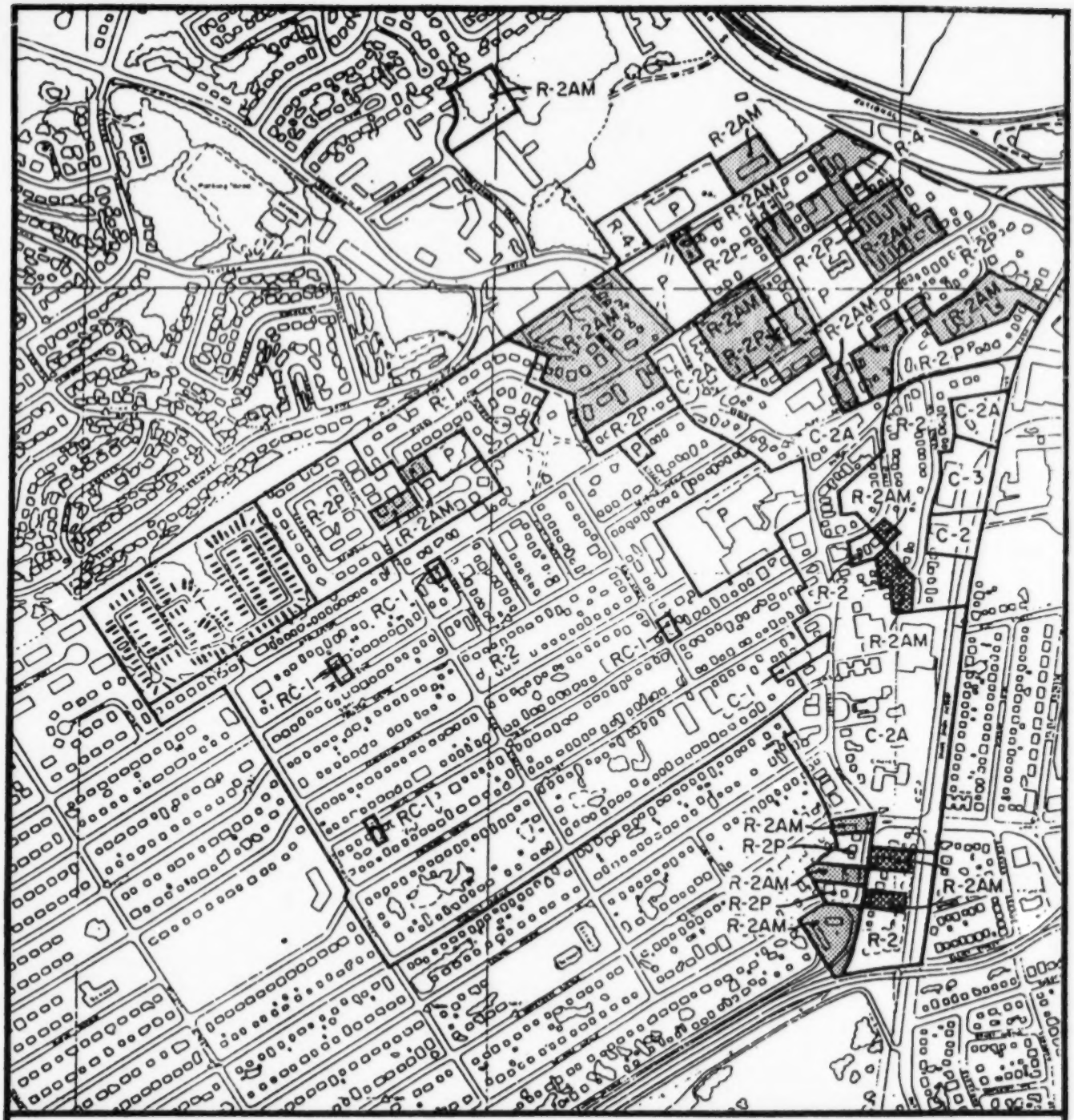
Amend subsection 2 (aaaai) to read as follows (amendments in heavy type):

(aaaai) "Stacked Townhouse" means one of 3 or more dwelling units that are horizontally and/or vertically attached and which each have a principal access to the exterior ground level directly from the unit. At least half the living area of each upper level unit shall be no more than 14 feet above ground level.

Add subsection 2 (ccca) to read as follows:

(ccca) "Townhouse" means one of three or more dwelling units attached by a common vertical wall extending from the foundation to the floor, each unit having a separate entrance at ground level.

14F(3) Council, may, by resolution, under the authority of the Planning Act permit through development agreement townhouses and stacked townhouses of greater than 4 units by development agreement pursuant to Policies 1.3, 1.3.1, 1.3.2 and 1.3.3 of Part II Section VII of the Municipal Planning Strategy.



Maintaining Current Housing Mix - No Intensive Development

Rezone from R-2AM to R-2P

Rezone from R-2AM to R-2

Map 2
Case No. 5870
September 1989

Feet
0 500

APPENDIX D

MAINTAIN CURRENT HOUSING MIX -NO INTENSIVE REDEVELOPMENT

PLAN AMENDMENTS

Amendments to Section VII of the MDP (the Fairview Area Plan) as follows:(deletions are marked out and additions are in bold)

1. Delete reference in Policy 1.3 which permits limited redevelopment:

> In areas shown as "Medium-Density Residential" on the Generalized Future Land Use Map (Map 9c) it is the City's intention to maintain the existing low-rise character of the area ~~and to permit limited redevelopment pursuant to Policies 1.3.1 and 1.6.~~

2. Amend Policy 1.3.1 to delete references to rezoning to permit more than four units.

> In medium-density residential areas, the City shall permit a maximum of four units per buildings~~, and may permit limited new development in excess of four units per building, in the following forms, through rezoning:~~
>
> ~~(a) conversions of and additions to existing buildings;~~
>
> ~~(b) townhousing;~~
>
> ~~(c) small scale multiple dwelling infill development; and~~
>
> ~~When considering applications for rezoning, the City shall have regard for Implementation Policy Set 4, in particular Policy 4.2 in regard to the capacity of municipal services.~~

3. If it is decided to rezone all R-2AM areas to R-2P delete Policy 1.3.2 in its entirety:

> ~~The Land Use Bylaw shall include appropriate zones to implement Policy 1.3.1.~~

or,

in the event that it is decided to retain the R-2AM zones as it is now applied, replace Policy 1.3.2 with the following

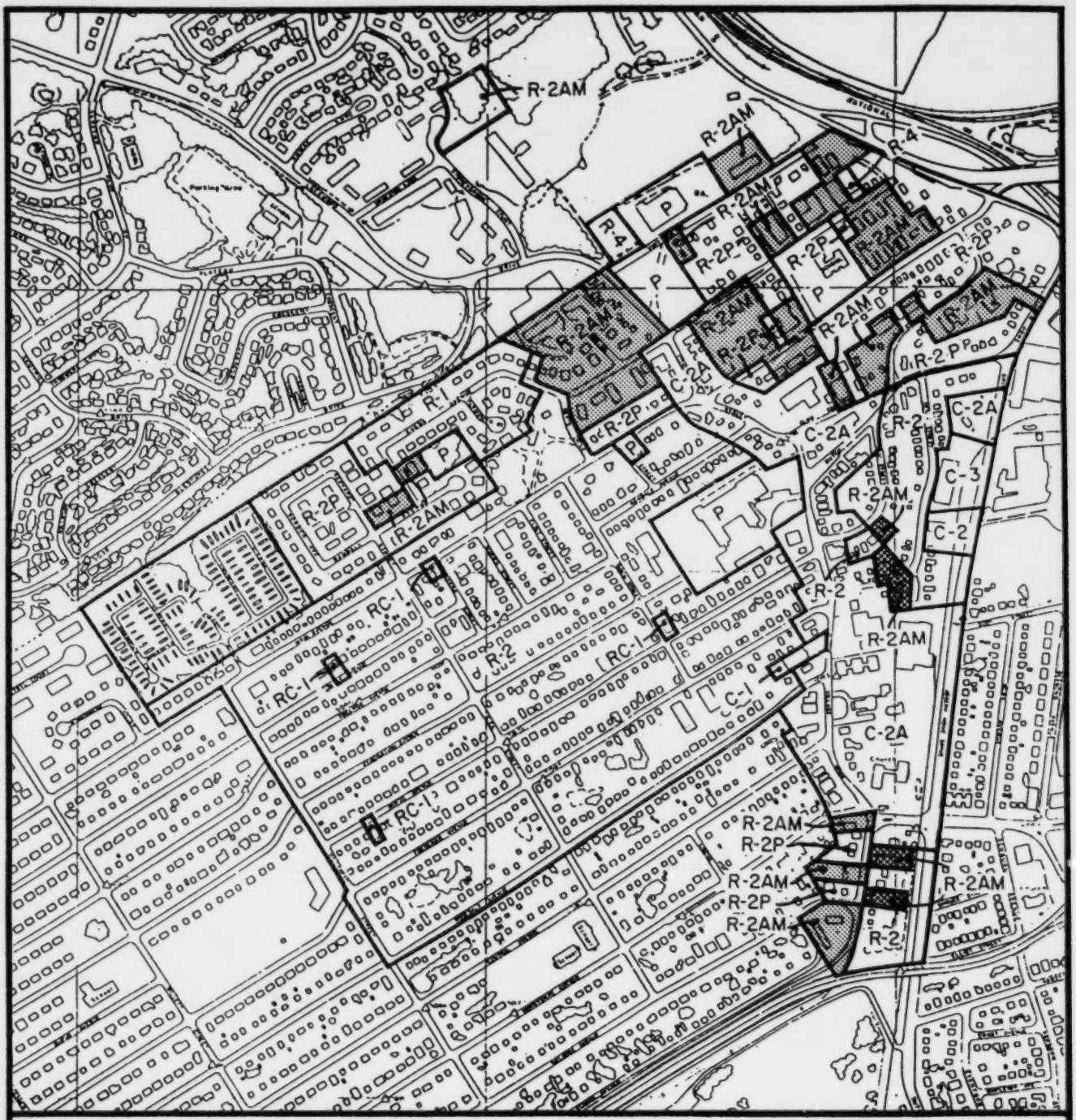
Properties within areas designated as Medium Density Residential which are developed in excess of four units shall be zoned to substantially reflect their existing use. This zone shall permit conversions of and additions to existing buildings, townhousing, and small scale multiple dwelling infill development to a maximum of 14 units.

LAND USE BYLAW AMENDMENTS

If it is decided that all R-2AM areas are to be rezoned to R-2P and R-2 the following change to the zoning map is necessary:

> Amend the zoning for the Fairview area to rezone all properties zoned R-2AM (General Residential Conversion and Townhouse) Zone to R-2P (General Residential) Zone and R-2 (General Residential) Zone as shown on Map 2.

If it is decided to retain the R-2AM zone as it is currently applied no Land Use Bylaw Amendments are necessary.



Maintaining Current Housing Mix - No Intensive Development

Rezone from R-2AM to R-2P

Rezone from R-2AM to R-2

Map 2
Case No. 5870
September 1989

Feet
0 500

PLANNING ADVISORY COMMITTEE PUBLIC MEETING
TUESDAY 29 NOVEMBER 1988

FAIRVIEW AREA - R-2AM REVIEW

Present: Mr. W. Nolan, Vice-Chairman; His Worship, Mayor Wallace; Aldermen W. Fitzgerald, A. Flynn, D. Grant, M. Leiper, N. Meagher; Mr. J. Bryant, Mr. F. Himsl, Mr. F. Palermo

Staff: W.B. Campbell, Senior Planner; Y. Macor, Planner II, A.E. Schaffenburg, Planner II; J. Gallivan, Planner I D. Chambers, Information Co-ordinator; b. McLaughlin

Also Present: Deputy Mayor R. Grant, Aldermen G. Downey, T. Jeffrey, W. Stone

Using maps and slides, Ms. Macor reviewed the development patterns in Fairview from the time before the Fairview Plan was adopted to the present. She outlined the issues and choices presented in the 12 July 1988 staff report.

Alderman Leiper:

The motion which came to you from Council asked you to consider two options: One, to leave the zoning the same, and the second option was that a zoning change should take place to restrict the development potential under the R-2AM. Staff seems to be suggesting that the City spend more money for services in this area....

.(Tape change)

Alderman Jeffrey:

.....The item before us tonight has brought many problems to the area. The zoning in the area was R-4 but in the planning process, staff recommended down zoning to R-2 and R-2AM. This was looked on favourably at the time but because of the extent and type of development that has taken place, residents now feel that R-2AM allows too high a density.

It is something the residents are fed up with and won't tolerate any more. Hopefully the concerns of the residents of the area will reach Council. Many of the residents of the area have come out tonight to speak.

Tonight we have with us Paul Dubé who is president of the Fairview Homeowners Association which has a membership of close to 100 people. He will speak on behalf of those residents. Thank you very much.

Mr. Paul Dubé, President, Fairview Homeowners Association.

Good evening ladies and gentlemen. I'm here tonight representing the residents that we have talked to and we have a lot of concerns about development in the area. You have seen in the slides--the disaster with apartment buildings - houses being jammed in between apartments. We're all concerned that some day this will happen to us, the homeowners in the area, that we're going to have apartments breathing down our backs. We're overwhelmed with buildings now. We want it to come to a stop. We want to maintain our property values.

This rapid development with eight 14-unit buildings erected within a year--what is it going to be like in ten years? You consider it "mixed development". In ten years it won't be mixed development; it will be just apartment houses. There won't be any more single-family dwellings.

I think thhe purpose of the Fairview Plan is to maintain these neighbourhoods as they are. At the rate we're moving now, these neighbourhoods are being totally eroded. Take a look. There's nothing left if you look around Fairview. We're really concerned and we want it to come to an end.

We'd appreciate it if you would listen to our concerns and help us out in this matter. Thank you very much.

Mr. Bryant: Are there any examples of existing or new construction that are satisfactory to the citizens' group--the Association?

Mr. Dubé: We have one building on Main Avenue, I think it was 48 Main. It was a 4-unit building and it was increased to something like 16 units. There was a house on Dutch Village Road which was a single-family dwelling. I'm not an expert on zoning laws but this gentleman bought this single-family home and added eight apartments to the back of it. How he got the rezoning or how he got the permission to do this, I don't know. If this is to be the policy, then the developers will start buying single-family dwellings and adding eight to ten units behind them. It's a precedent that's starting to take off and we want it to stop.

Mr. Bryant: As an example, does your concern relate to specifically the 14 unit maximum? Is it reasonable to presume that someone could redevelop up to an R-2, R-2A concept which I think would allow four to six units? Is it the totality of the construction and the mass of it all? Is that the concern?

Mr. Dubé: Yes, the mass of it all. You've seen the slides. You've seen one house with apartment buildings all around it. That's what you call mass in the extreme. These 14-unit buildings are being put on small lots so that when a building

is constructed, all you have is an apartment building with a small parking lot with no green areas whatsoever.

Mr. Bryant: So you see perhaps the density would be something you might recommend that we might consider--less than fourteen units--perhaps six or eight. Something less that is allowed now or totally removed and going back to strict R-2 which allows perhaps a maximum of four units?

Mr. Dubé: Well I think that what I gather from the residents in the area, we'd like to see some duplexes, some town houses. There is housing in the Fairview areas which needs to be renewed. Some of them are in pretty bad shape. There are some people in Fairview of retirement age and they want to sell their homes. There's no doubt developers are going to see this and buy the land but we don't want them to stick these big buildings on these small lots. They're jamming them in like sardines.

Before you make your decision, I would really appreciate it if you would drive down Evans Avenue and see what they're doing there. One of our concerns with these apartment buildings is that a lot of these people who build them disappear once they're up. There's no maintenance on these buildings. For example, you go to the lower part of Evans Avenue. It's like a ghetto down there. There are garbage containers stuck on front lawns--it's a rundown neighbourhood. The streets don't look good. If it is some people's idea that an apartment house looks nice, I don't. I think it ruins a neighbourhood.

If we could construct a building that fit in with the neighbourhood, fine, but to take a whole block and dump a building on it--there's nothing left--no greenery--no place for kids to play--nothing.

Mr. Bryant: If your people have the resources, a good way to show us what you don't like-- maybe you could send in a few slides or a few photographs of bad examples and the odd situation you might see as being a good example.

Mr. Dubé: I'll show you some bad examples right here..

Mr. Bryant: We've seen those but I mean in the whole area.

Mr. Dubé: But that's what's happening to the whole area.

Mr. Bryant: We've had the privelege of seeing all those..

Mr. Dubé: I can prove my point with those pictures right there. I can show you other areas with similar type of development. That's basically what's happening to the lower end of Fairview. What you see there, ten years from now the whole bottom end of Fairview will look like that. You're going to see apartment houses with houses stuck in between. It's the

home owners who suffer in the end. If we don't sell our houses now, and we wait until somebody constructs an apartment building beside us, we're stuck here forever because we won't be able to sell that house. If the lot is too small for a developer to put a building on, then we can't sell our homes. We lose our property value.

We lose out in the long run. The developers make the money but the home owners eventually lose out on the property values and that's one of the concerns here. We are losing our property values to the developers.

Alderman Leiper: One of the poor examples you cited was on McFatridge Avenue and I believe there's another apartment backing on to Main Avenue. Was that a contract development that Council approved? I remember that you spoke at Council against those.

Mr. Dubé: Yes, we spoke against the one on McFatridge Road because the street itself--there are no sidewalks on it. The City came back to us and said that this street was the legal width of a street in the City but they failed to measure the corners. When they measured the corners, the streets aren't as wide as they're supposed to be.

Alderman Leiper: And it was still proposed as approved by Council?

Mr. Dubé: Yes it was--and now there's another proposal to building another apartment next to it. The development in that area in the past year and a half--you know yourself--you've seen the rapid development.

Alderman Leiper: I know, and I've been against it all the time on Council.

Mr. Dubé: And you were applauded..

Alderman Leiper: So keep voicing your concerns.

Mrs. Pat Robinson, Percy Street

As Mr. Dubé said, you're putting us in a real dilemma. We have private homes and at this point we're in a quandary as to whether we should sell and get out while it's still livable or whether we are going to be crowded in by apartments all around us. And then what to do? As you can well see, the mess that has been created is certainly not something that is desirable. I'm not a planner so I don't know what the problem is, but I would say that there is something intrinsically wrong with development and planning.

Somehow or other when you determine that an area is going to be zoned a certain way--I get confused with your numbers and they

are irrelevant as far as I am concerned--but when you decide that you're going to have an area zoned a particular thing, it seems as if it's fair game then for anything. If it's apartments, then the developers come in, they buy up a house and as Mr. Dubé said, they don't care what kind of aftermath follows for the home owners who are left behind. Most of them come in, buy up an older home and if they can add to it they don't even bother taking it down and constructing something. They just add to it.

Perhaps it's easy for you to sit there now and think, "Well, in 20 years time it won't matter. I won't be on Council." But in 20 years time other people are going to be trying to live out here and that isn't entirely fair to us and to the other people who are coming. If we allow it to continue at the rate it's going, we're going to have nothing but a big mess

You're also going to have another problem--and that's policing. When you get people living in high-density areas and you have a lot of people who are transients who don't take the interest in their properties or in their homes or their neighbourhoods like people do who own their private homes. As a result, you have people creating a lot of social problems. If you're not going to deal with it in one way, that is looking at your zoning and figuring how you're going to do something that is reasonable for everyone so that they don't have to try to get enough money together to move to the elite areas where you don't have any apartments and you don't have any traffic.... Very nice if everyone can afford that, but not all of your tax payers can. Whether you like it or not, we are paying taxes as well as your elite people and we deserve some rights and we deserve some consideration.

Ms. Patricia Taylor, 5 Melrose Avenue

Mr. Dubé, whom I do not know, has spoken my thoughts. I'm here tonight to speak about a proposed development at 3326 and 3334 Dutch Village Road. I understand that a developer has made application to construct a 14-unit apartment building. Now this is in an area of single-family dwellings. The lot in question is approximately 20,925 square feet with a frontage of 100 feet more or less on Dutch Village Road. The land is several feet above street level and the proposal includes space for outdoor parking at the rear of the building. At present there are two dwellings on the property with a common driveway.

It's quite an impact to have 14 families with perhaps an average of 4 persons to a household encroaching on your back yard. This is an area of single-family dwellings, as I said, and I think you should consider the environment. There are matters of garbage collection, snow removal, greatly reduced open space and an invasion of privacy. There are concerns for safety, fire regulations, traffic, burden on water and sewer

lines. Many problems can be created. The only access to the property in question will be a driveway off the Dutch Village Road where there is a heavy traffic flow from that area to the Bicentennial Highway. This traffic at peak hours is bumper to bumper and no doubt will get worse.

I'm not familiar with the Fairview Plan. I was sort of a retired person, but my concept of planning and looking at the Fairview Plan is that it is just a jumble-jumble. In 1984, I understand the City adopted this overall Fairview Plan but we have a Planning Department and we have minimum standards for new construction, zoning bylaws are in place, and so on. But there still seems to be no protection for the private home owner.

We cannot permit unnecessary spot zoning to happen on the whims of developers. As you know, this type of zoning is contrary to good planning principles. Improper development can be costly and subjected to blighted areas in the future. Fairview is one of the better designed areas, I thouhgt, annexed to the City Peninsula in recent years. With a village character, it can be more easily controlled than othe parts of the City. The main streets are laid out in an easterly-westerly direction bounded by a commercial district on Dutch Village Road and North West Arm Drive. It is also divided by the Bicentennial Highway with an overpass to Bayers Road and an exit to Dutch Village Road. The south end of Dutch Village Road with its increased traffic may become a major problem to the City in the next few years--as well as the traffic from Clayton Park.

For long-range planning, it is very important to critically examine the area and perhaps a study be made to determine what is really needed with the best possible solution to improve and maintain growth and land use for the people of the region. Try to eliminate spot zoning. Thank you.

I would like to add some further factors, but I submit my findings in writing to you within a day or so.

Ms. Zeda Poirier, Plymouth Street

We live in an R-1 Zone but I would agree with Mrs. Robinson's comments about the mess of the spot rezoning. I'm in favour of what she said, and the other lady--I didn't get her name--

When a member of the Planning Committee showed the slides, she mentioned that it was a favourable area with a view of the Basin. We had a lovely view of the Basin when we walked down Glenforest Drive until they built Granbury Place and it's much the same as the view planes from Citadel Hill now. The Harbour you don't see too much.

Mr. Lou Noseworthy, Planning Consultant

I represent a developer who is interested in the area that the lady behind me spoke about in the R-2P area leading up to the Bicentennial Drive. Presently an application is before Council to rezone to R-2AM.

The lady indicated a concern about the type of development that is going up in a good many parts of Fairview. I can't help but agree with her. Some of the things that are being done are not in keeping with the general tone of the area, but on the other hand there are developers who are interested in, along with promoting a property, trying to retain the residential appearance of the area. I represent a developer who I think is going to do that.

I have with me here tonight a proosal that has been planned--if you recall the maps-- a lot of land (if I may go the maps for a second) a lot of land right here which presently has a 3-storey apartment building there, another one here, another one in here, another one on the corner. In addition it has a photographer's studio and it has a couple of very, very nice homes here. The two lots my developer is interested in in this area has a home which has been converted to landscaper's office and workshop and yard for trucks and everything else. There is a home next to it which has been converted to into commercial use--several commercial uses. There are two other outbuildings on the property--on two properties--one of which has been converted into a small office and the other into a storage facility.

We propose to take those four structures on those two lots, if the City will rezone them from R2-P to R2-AM, and place an addition in that area an apartment complex--a garden apartment, not a high-rise--a building which is 2 storeys in height, which does not fully cover the properties, which is properly landscaped. We would set that building back so that it is in line and consistent with other buildings on the street. This is not the case at present because one building is out within 10 feet of the street line. We propose to move that building and put our building back..

Chairman: Excuse me. Mr. Noseworthy, this seems to be getting rather specific. This is not the place for that.

Mr. Noseworthy: I'm sorry. I just wanted to point out those locations and would like to show you what is proposed for the lot and then ask the lady if this is the type of thing she is objecting to.

Chairman: Yes, that would be a good thing.

Lady in Audience: It is absolutely contrary to the area.

Mr. Noseworthy: (displaying drawing of project) This is the building as proposed--a 2-storey garden apartment...

Chairman: We can't judge a contract here tonight, OK? Just let them have a look at it.

Mr. Noseworthy: The only reason for my speaking is to say that I do agree with concerns of the residents in the area but I also feel that a developer, if he means well and has a keen interest in developing the area but maintaining ....., someone like that should make an application and carry out the program. Just to try and tell developers that they come into an area and destroy it is really not fair ball for developers.

Lady in Audience: Mr. Noseworthy, pardon me but....

Chairman: We don't get into debating here, I'm sorry. Thank you very much Mr. Noseworthy. We are here to listen but we don't allow debates. OK?

Lady in Audience: I'm out of place tonight I guess.

Chairman: That's perfectly alright. Is there anyone else who would like to make some comments?

Mrs. Ann MacMillan, 4 Marlwood Drive, Wedgewood Park

Your Worship, members of Council, Mr. Chairman, ladies and gentlemen. I'm President of the Ward XII Association.

A very interesting thhing is happening here in the Mainland North area in that five years ago we were in separate subdivisions, had very little in common, lived our days, did our jobs and came home. Within the last five to ten years out here, we have become a community and one of the reasons for that I suppose is that Dunbrack Street has opened. The community groups--Mr. Dubé and people in Ward X and Ward XII--have started to work together and to talk a lot, to look into planning and to talk about what they want in their community. Many of us have been out to many public meetings.

I think that right now in the history of the City we are in an opportune moment to start to develop in this area something of which we can be proud. Many times in the last few years we have been involved in potential developments in our area in Ward XII. I have people say to me from other parts of the City, "Why are you so concerned?" That's just what we have here, "Why are you making such a fuss?" I think that right now morally we have to look at good planning. There is such a thing as environmental psychologists that have studied the ramifications of high-denisty living on people living in apartment buildings. We have also come to be aware that what happens here in this area will happen in our area and that we

can't be local in terms of thinking only of what is happening on our street. We have to think in terms of what's happening in our community.

I think we would like to see this happening in Council too--that you get together and talk overall principles of planning. Several things in the Ward XII area will have ramifications for this area specifically but of course there is traffic which has not even been mentioned here tonight. In the Ward XII area, in the next 15 to 20 years we're going to go from a community of 20,000 people to 50,000 people and yet tonight we're talking about increasing the density in this area.

We haven't mentioned traffic. The other major component that we're really concerned about is open space. There is a greater deficit of recreational open space in these two Wards than anywhere else in the City. We, in Ward XII as you know from the paper, are feeling the ramifications of that already. So there is going to be increased policing necessary and certainly an increase in social problems if we don't get good planning now. Thank you.

Mr. Alan Robinson, Percy Street

Regarding one of the sections that has been spoken about tonight and pictures have been shown of it--I have to support my wife. Many times when we walk in sections where I would suggest that you gentlemen take a walk--first of all McFatridge Road. I don't know how familiar you are with the area--and I'm not talking about driving as much as walking. I would not like to have children today going to school or coming home on McFatridge Road.

If you were to really walk the area and study it, I don't think you'd even have to have anyone stand up and say, "This is dangerous", because it's scary walking around the corner. I said to my wife the last time we went to my daughter's apartment which in fact has a garbage container outside in the parking lot on Evans Avenue--I said to my wife, "We just hve to go another way. This is too dangerous." And I'm an adult. I was scared to go around the corner. Since then I don't even go around in my vehicle.

We walk a lot of different areas of the City just for exercise and we have seen that Fairview is by far the area that has the most apartments with one and two houses in between. The lady who showed the slides tonight pointed out on Evans Avenue two houses between two apartments. You could see the Basin in back of it. It so happens that when my wife and I were up that way, I said to my wife "These poor souls who are looking at two apartments, one on each side of them." These people were not getting a view of the Harbour at all that is always stipulated

when developers want to build something. They say how nice the view is going to be--overlooking the gardens, overlooking the wate.

You know a lot of that is really a lot of baloney because when you get out there and see what's really there, you can't see the sun, you can't see anything. You sit in your front yard and you see nothing but another parking lot.

That's all I really have to say. Go for a walk instead of a drive. Just park your car, get out and walk a block or two and really take note of how they're all stacked in a row. That's what's important. Thank you.

Mr. Russel Walker, Fairview

I'd like to see you stick to the recommendation number 3 to go back to your original development of the land. And I'd like to go one step further if possible--that if there is a single-family home on a lot that it should be zoned R-1 and it should be hard to change the zoning. These 14-unit jobs scare me. If I have a single-family home and you want to put a 14-unit apartment building on it, you should have to go to a public hearing. I shouldn't know about it only after the property is sold. That's what's happening now and it's too easy. There should be tighter controls and if there's a single-family home on there, it should be zoned R-1, not R-2, not R-3 or whatever. It should be zoned R-1 and make it harder to developer it.

(Tape change)

Ms. Ann Evans, MacDonald Avenue

....Why can our properties be rezoned without our knowing it? ....to appear, and you're left. We chose to add to our house instead of selling it and now I think we made a mistake. Were we wrong? Should we have sold or should we have stayed there? It scares me that you can have a property that's sold and anything can be done with it and we don't know. Why is it that we don't know until it's a fait accomplis?

Mr. Bryant: Do you feel that you had a clear understanding of what R-2AM meant when it was explained earlier?

Ms. Evans: Not really, because I knew the apartments were there when we built but they said there is 20 feet behind you and all they can build...and then we had all these apartments on Glenforest and we had to put a fence up and things I never expected. I don't know now if I made a mistake.

Mr. Bryant: Would you like another explanation of R-2AM--just so that you understand exactly what the possibilities are in terms of coverage..

Ms. Evans: What happened? Yes I would like to know.

Chairman: I think there are two questions here to be answered--an explanation of what R-2AM is and why, when a rezoning takes place or an application comes in, that it's almost at the point that it's done before the people of the area know. I think that's really the crux of the question, is it not? Perception is reality. Would you like an answer?

Ms. Evans: Yes I would.

Ms. Macor: All the area oulined in black here was originally zoned R-4, which allowed apartment develepment everywhere. The City did have height limits on it so they could only be 35 feet high. That's how all the existing apartment buildings got built prior to five years ago.

The Plan designated certain areas Medium Density Residential, others Low Density Residential. In the Low Density Residential area, only 1 and 2-unit buildings can be built. In Medium Density areas, most areas where there are small buildings now, there is a maximum of 4 units per lot depending on the size of the lot. There is a policy in the Plan that allow rezoning to R-2AM which permits the small apartment buildings that we've been talking about, provided the lot has at least 75 feet frontage and is 7,500 square feet in area.

Unidentified Lady: Excuse me Miss Macor, but what about the one that was put on a 60 foot lot? It had to be 75 feet and yet...

Ms. Macor: That's right. Council permitted the lot frontage to be modified in that particular case. Council has the right to make certain exceptions under certain circumstances.

Unidentified Lady: Well that's my point.

Ms. Macor: Are there any further questions about that?

Mr. Robinson: That did puzzle me, now that this subject is just reopened. I thought of this earlier. Why does Council allow that when it's the law? That's what scares the people. Council says you can do it. Why does Council say that when the law says--which is passed by the public--that it should be a certain amount of distance from one spot to another. Why? That is what is scaring the people--that they know that no matter what the people say, in the long run Council has the final say-so on any subject.

That's why you don't see a lot of people out here tonight. It's because they're discouraged. They say it doesn't make any difference. That's why you get some jokers like us up here who come every time because we're stubborn about it. You know it is terrible.

That's what we're fighting against. When they make a law, why don't they stick by it so we can feel protected?

Mr. Jack MacKinnon, 3665 Dutch Village Road

Just for the record, I've been in Fairview for 31 years. It was quite a little rural area out here and I think the message is coming through loud and clear, Mr. Chairman, that the people who live and work and know Fairview think we should slow down a little bit and take a good look before we ruin what we have left. I think we still have a nice little community left here. However, I think we should have a little caution by the powers-who-be and take a good look before we go further.

Mr. Palermo: I wanted to ask the group a question. I've been listening and rather than wait for the transcript of the meeting, I've been trying to understand what the nature of the concerns are. It seems to me from my point of view that what's come throught is some real intensity of feeling for this community--that has certainly come through to me as an individual. The other thing that has come through is that this community seems to be at a really important juncture right now. You're really trying to sort out whether it should keep going on the road that's been embarked on--which is this R-2AM, whether to turn back to whatever existed before then or to actually choose some other route.

It seems to me that those are the choices that are facing us right now. In order to make a choice, it seems to me that it would be appropriate to try and think of where it is that we want to go--that is, where it is that you actually want to get to. In trying to decide where it is that you want to get to, I've been trying to keep track of what it is that people have said as their concerns with what's going on in the area right now. Let me read to you my list and my question is, have I missed anything in terms of this list of concerns? I have twelve of them written down. I'll just read them quickly and you can tell me whether they reflect the concerns that you've been trying to express.

1. Property values--there is a concern about proerty values.

2. A concern about quality of the community--the village character--maintaining its stability--the notion of certainty that comes with that, knowing what to expect.

3. There is an idea about massiveness--the scale of

development that is actually being proposed--the misfit between the new and the old. The new development doesn't fit very well with the old development that is there.

4. The lack of maintenance once buildings are built.

5. The issue of ownership versus rental accommodation. Someone expressed that as "policing"--a concern about policing the area.

6. A concern about lack of control and the quality of development. That was exressed in another way, that it should be more difficult to process applications as opposed to expediting them as quickly as possible.

7. A lack of green space and privacy that results from new development.

8. Concerns about servicing, all of the servicing components that come with intensive new development.

9. A concern about traffic.

10. A concern about obstruction of views. I guess "Fairview" did have a meaning at one time? And some people are questioning if the fair view is really there.

11. There's a general issue about detrimental effects of high density living

12. An impression that it is a hostile and dangerous public environment.

That's my list of concerns that I heard tonight. Now whether there's a nice way, a nice route that can be found to deal with all of those concerns, I don't know. But it seems to me that that's the sort of challenge that's been posed. I would ask if I've missed anything that's important.

Mr. Dubé: The 12 points you just made, you made our points. That's basically the way we want to go. I think you could add one more and start going to R-2AM. I think everybody wants that to go to R-2 basically. We'd like to see guidelines put on developers for the maintenance of their properties. It is a problem in Fairview. If you take Mr. Robinson's advice and walk through Fairview, you will notice the maintenance problem on these buildings. Also in the winter time, there is the snow removal. It's an ongoing battle. You can ask the Alderman of the area. We're constantly phoning the gentleman to get the sidewalks shovelled. Somehow or other, when the City builds sidewalks, they put them on the side of the street where the apartments are, and they don't do the maintenance work that needs to be done.

But that's the way we want to go--with the R-2 zoning. We want to see more resrictions on developers to maintain their properties because if you look at the home owners in the area, they all have nice homes. There are young people who have moved into the area and spent a lot of money renovating their houses. Myself, I think I've spent $50,000 in the past 4 years renovating my home with the intention of living in this community.

I've lived in this community all my life and I want to stay here. And basically the only way I can stay here is if we go back to the R-2 zone and put some more restrictions on development in the area. Thank you.

Chairman: Unless there are any more comments? That pretty well seems to sum it up for all of us.

Thank you very much.

(A short recess followed.)

The Chairman of the Planning Advisory Committee

and to Whom It May Concern:

Halifax, N.S.
November 29, 1988.

We are residents & property owners mostly affected by the area to be reviewed on the Fairview Plan.

This area of Dutch Village Road on the west side and the north side of Melrose Avenue is presently zoned residential and consists of single family dwellings. We would like it to remain the same. We object to any further high density development or any re-zoning at this time.

Name Mr & Mrs C.P.G. Taylor, 5 Melrose Ave., Hfx. N.S.

Name Mrs Vera V. Fisher, 3342 Dutch Village Rd Hfx N.S

Name John Hadley, 3325 Dutch Village, Hfx N.S

Name Josephine M. Mitchell 3331 Dutch Village Rd

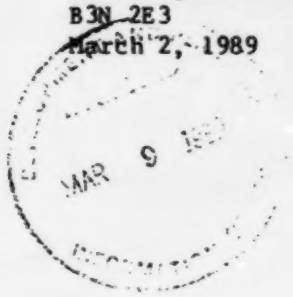
Name Winnie Westfield 15 Melrose Ave

Name Mr & Mrs S. Zilio 9 Melrose Ave Hfx

Name

DEVELOPMENT AND
HALIFAX
NOV 29 1988
INFORMATION

5 Melrose Avenue
Halifax, Nova Scotia
B3N 2E3
March 2, 1989



His Worship the Mayor, City of Halifax,
Aldermen and Chairman of the
Planning Advisory Committee

Re: Land Use Rezoning for 3326-34 Dutch Village Road

Ladies and Gentlemen:

Attached please find comments of an oral presentation made to a public meeting held on November 29, 1988 on behalf of residents who would be affected by rezoning land located at 3326-34 Dutch Village Road.

Many presentations, including one by a representative of the Home Owners' Association, were made and it was the general feeling that the people are discouraged with construction and rezoning since the adoption of the Fairview Plan. It was thought that amendments would be made to decrease the development potential, to have a more uniform streetscape and imporove the character of the region. See also staff report to P.A.C. of July 12, 1988. A petition of objection by the neighbors was given to the Chairman, Mr. W.J. Nolen, at the meeting and many more people in the whole block are willing to add their names.

It may be normal procedure but it is very difficult to understand why you are going to the expense of advertising again for a public hearing to be held on April 5, 1989 with the intention of rezoinig the land in question from R2.P to R.A.M. against general recommendations. We have gone through the process and have heard the evidence. It seems a waste of time and energy.

The developers are taking an unfair advantage of neighboring private properties to utilize open space. The proposal is inconsistent with existing policies and planning strategy for Fairview.

In view of the foregoing I would appreciate an explanation on this costly undertaking.

Yours truly,

P. Patricia Taylor

PPT/cm
Enclosure

COMMENTS - Presented to Public Meeting at Halifax West High School on November 29, 1988.

RE: Land Use Rezoning for 3326-34 Dutch Village Road, Halifax, N.S.

The Chairman of the Planning Adivisory
Committee and to Whom it May Concern:

A petition signed by the property owners most affected by the area to be reviewed on the Fairview Plan was given to the Chairman, Mr. W. Nolen.

We understand the area or lots (long and narrow) to be reviewed will be considered because the owner had made application for a permit to construct a fourteen (14) unit apartment building in an R. 2P zone. The area being approximately 20,925 sq.ft. with a total frontage of 92' more or less on Dutch Village Road. The land is several feet above street level which constitutes a higher grade level for building. The proposal includes open parking at the rear of the building. In our opinion the space is inadequate to accommodate fourteen motor vehicles without adverse effects for the adjoining property owners.

It is quite an impact to have 14 families with perhaps an average of three or four persons to a household encroaching the enclosed area of single family dwellings. Some consideration must be give to the environment.

There are matters of garbage disposal, snow removal, greatly reduced open space and an invasion of privacy. There are concerns for safety, fire hazards, the burden on water and sewer lines, drainage, noise and air pollution and many problems can be created where there would be no control.

In 1984-85 the City adopted an overall Fairview Plan. You have the mechanisms in place - a Planning department, minimum standards for new construction, zoning by-laws, etc., but apparently no action can be taken to protect the private home owner. It is an injustice to have to appear at a public meeting. We cannot permit unnecessary spot zoning to happen on the whims of developers. This type of zoning is contrary to good planning principles. Improper development is costly and leads to blighted areas in the long term.

The other major factor is the traffic. The only access to the property in question will be a driveway of the Dutch Village Road where there is a heavy traffic flow to and from the Bicentennial Highway. At peak hours it is bumper to bumper and no doubt will get worse.

Fairview was considered to be one of the better designed regions annexed to the City Peninsula years ago. The main streets are laid out in an Easterly to Westerly direction with a commercial district and natural boundaries. With its Village character it was thought to be more easily controlled. Whatever happened, it is a mess - too many apartment buildings crowding out family homes as a result of spot zoning.

For long range planning we should continue to review the urban area and a study made to determine what is really needed and the best possible solution to improve orderly growth. The trend now seems to be private homes as opposed to apartment living.

We strongly object to any further high density development or any re-zonig for the construction of a 14-unit apartment building on the lands mentioned above.

Thank you.

P. P. T.

P. Patricia Taylor
5 Melrose Avenue
Halifax, N.S. B3N 2E3

Planning Advisory Committee
6 December 1988
Case No. 4287

TO: Planning Advisory Committee

FROM: Paul Calda, P.Eng., City Manager

DATE: 29 November 1988

SUBJECT: R-2AM Zone Review.

The attached staff reports dated 22 November 1988 and 28 November 1988 have been referred directly to the Planning Advisory Committee by Council prior to its usual review. This is for the Committee's information in conjunction with the R-2AM review.

The 22 November report deals with an application to rezone 3-5 Alma Crescent to R-2AM for the purposes of constructing a 14 unit apartment building. Similarly, the 28 November report deals with an application to rezone 3326-34 Dutch Village Road to R-2AM for the purposes of constructing a 14 unit apartment building.

Both proposals comply with the relevant policies of the Municipal Planning Strategy and approval is being recommended.

Paul Calda, P.Eng.,
City Manager

JGP-jep
Attach.

Lot size and configuration, topography and corresponding development potential vary considerably and a site visit is highly recommended for an understanding of the complex nature of the development control issues in the area.

It is the intent of the Fairview Plan to stabilize the existing development in the low density area and to permit limited redevelopment, in keeping with the existing low rise character in the more complex areas designated Medium Density Residential (Policy 1.3.1). This was implemented by zoning most of the area R-2P (General Residential) Zone, creating the R-2AM Zone, to apply to existing small apartment buildings, and permitting rezoning from R-2P to R-2AM to permit small scale infill development where municipal services are adequate (Section VII, Policy 1.3.1). The R-2AM zone permitted additions, conversions and townhousing similar to the Peninsula R-2A Zone and small apartment buildings with up to 14 units on lots with greater than average frontage (75 feet) and area (7,500 sq. ft.). It was anticipated that the lot size requirement would, in most cases, limit redevelopment or alternatively require lot consolidations for such redevelopment.

REZONINGS AND DEVELOPMENT

Since the adoption of the Fairview Plan in 1985 there have been six applications for rezonings to R-2AM, five of them in Fairview, of which four were approved (see Map 2). Two of the latter included Council approval of a lot modification to reduce the frontage requirement against staff's recommendation, thus permitting development of the apartment buildings (see Table 1).

Service improvements and the lot modifications approved by Council have encouraged denser development than forseen when the Plan was drafted. In considering a rezoning or a lot modification the Plan requires the City to consider the effect on "the amenity, convenience, character and value of neighbouring properties" (Implementation Policy 4.6). However, the effect of variances and compatible of infill development in a neighbourhood is sometimes difficult to assess before construction. Now that several projects have been built, the comulative effects are evident. In fact, in the medium density area zones R-2AM, densities higher than those permitted in designated high density areas (75 persons per acre) have been achieved (see Table 1).

TABLE 1: Applications for Rezoning to R-2AM Zone
Fairview Area, 1985-1988

Address	Lot Modification Required	Gross Density	Staff Rec.	Council	Case No.
24 Gebhardt Street	-		negative	refused Oct 16/86	5089
21 Main Avenue	frontage (9 feet)	90 p/ac	negative	approved Nov 27/86	5118
38 Vimy Avenue	frontage (13 feet)	86 p/ac	negative	approved Jan 14/88	5323
Percy/ Andrew Sts.	-	103 p/ac	positive	approved Jan 28/88	5354
Alma/ McFatridge	-	91 p/ac	positive	approved Feb 11/88	5439

In effect recent development has continued the trend to apartment development that was taking place prior to adoption of the Fairview Plan. The R-2AM Zone regulations ensure that the new buildings are of a relatively small size but will allow the present diverse mix of buildings styles to gradually be replaced by a more uniform streetscape. The building designs have been critized in that very little landscaped open space is provided after surface parking space is accommodated on the lot.

ISSUES

Residents and Aldermen have expressed concern at Public Hearings on rezoning applications that several new apartment buildings have been built in the area in a relatively short period and have questioned the effects on the character of the area as well as on municipal services. Nevertheless, it was the intent of the Plan and has been the trend in Council rezoning decisions to permit infill development, particularly in those areas where there is a diverse mix of housing types. The interest of residents of single family dwellings and apartment developers interested in the area will continue to conflict until the area is entirely developed to the limits that the Plan permits.

MUNICIPAL SERVICE CAPACITY IMPROVEMENTS

Since the adoption of the Fairview Plan considerable improvements in municipal services have taken place. The new trunk sewer down Main Avenue through to the Bedford Highway has created some spare capacity along Main Avenue, Dutch Village Road/Titus Street and Vimy Avenue (see Map 3).

New sidewalks have been installed on Dutch Village Road, Alma Crescent, Rosedale Avenue, Adelaide Avenue, Ford Street and Central Avenue (1988).

Parts of the area could now be rezoned for R-2AM or higher density development as-of-right, subject to a review of other city services, if the capacity of city services were the only criterion to be considered.

POPULATION GROWTH

Demand for accommodation in small apartment buildings in the Fairview area has remained strong, judging by the recent rezoning applications. This is supported by a statistics update with 1986 Census data: the population of the area increased 4.2 percent between 1981 and 1986, and this growth was concentrated in one and two person households, (which increased by 20 percent) and non-family households (which increased by 32 percent). At the same time school enrollments declined 9 percent between 1981 and 1987, and closing of one of the elementary schools (Titus Smith) has been proposed.

PROBLEM AREAS

(See Areas 1 to 5 on Map 4)

Areas 1 and 2 East of Titus Street: This area of lower Fairview has the greatest diversity of lot sizes and configurations, building forms and density distribution. The location is central and convenient and there is a continuous demand for apartment accommodation there. The area cannot be considered stable with large single family lots closely interspersed with apartment buildings. Council has encouraged redevelopment by approving rezonings, including lot modifications for development of new apartment buildings. This is acceptable within the context of the Plan as municipal sewer services, particularly in Area 1 along Vimy Avenue, Dutch Village Road and Titus Street have been substantially improved and can accommodate additional higher density development. The area is also near main roads, is well served by recreation and school facilities and convenient to shopping and bus routes to the City centre.

On the relatively narrow and steep local streets in Area 2 such as lower Main Avenue and McFatridge Road the access and sewer capacity remain limited. The existing zoning regulations, in particular the requirement for rezoning to R-2AM for developments larger than four units, gives the City Council flexibility in setting the extent and pace of development. Rezoning applications on these streets should be carefully considered with regard to the capacity of municipal services. Strict adherence to lot frontage requirements would restrict development on these lots.

Area 3 Deal/Percy Street Area: With regard to the Deal/Percy Street area, the proximity of, and potential for expansion of commercial development should be taken into consideration. In 1984 staff and PAC recommended residential designation of the commercial and industrial properties fronting on Percy Street, but Council chose to leave these properties designated Commercial with C-3 (Industrial), C-2 (General Busines) and C-2A (Minor Commercial) zoning. Since then the Dutch Village Road commercial area has experienced new growth with several redevelopments and expansions. This commercial vitality may be expected to affect the small residential enclave to the east in the coming years in the form of commercial or high density residential redevelopment pressures. Commercial traffic was already cited as a problem in the area during the Fairview Secondary Planning Process. At the present time lot sizes and sewer capacities restrict the residential development potential of this area to medium density zoning. However, the present General Residential (R-2/R-2P) zoning may not be appropriate in the long term. Rezoning to Commercial could be considered, or higher density residential (R-2AM or R-3), uses which are more compatible with nearby commercial uses may be a preferable future land use, notwithstanding the costs of the City for service improvements that would be required.

Area 4 Dutch Village Road/BiHi Approach: South of Bayers Road, Dutch Village Road serves as an access to/from the Bicentennial Highway. Small apartment redevelopment is appropriate for principle streets. Rezoning for as-of-right R-2AM higher density development could overtax municipal services, but may be considered as a preferable future land use as in Area 3 above.

Area 5 North of Main Avenue/West of Titus Street: The existing development in areas north of Main Avenue designated Medium Density Residential such as the Gebhardt Street area are relatively uniform and Council has refused one application for rezoning to R-2AM in this area. Such action is appropriate and will protect the character of the neighbourhood. Although sewer capacities have improved along Main Avenue, most of this area is designated Low Density Residential and would require a Plan amendment for higher density development.

ALTERNATIVES

In dealing with the issues in the problem areas noted above, Council has three choices:

1) Leave the existing regulatory measures and consider individual rezoning applications as they come up. This will permit gradual change under Council's control, but may continue to raise neighbourhood concern.

2) Facilitate the redevelopment transition stage by permitting higher density infill residential as-of-right, particularly along Vimy Avenue, Titus Street and Dutch Village Road, or commercial redevelopment in the Deal/Percy Street area. Consideration can be given to rezoning all properties in areas that are already predominately R-2AM in character to R-2AM to make the intent of future redevelopment clear. Alternative zoning regulations which include open space requirements and density controls may be preferred. This option is likely to incur future municipal service improvement expenditures in some areas.

3) Reduce the development potential of the problem areas by increasing lot size requirement, reducing permitted building size, or adding a density limitation.

RECOMMENDATIONS

It is recommended that the members of the PAC visit the subject areas as shown on Map 4 and consider the alternatives noted above.

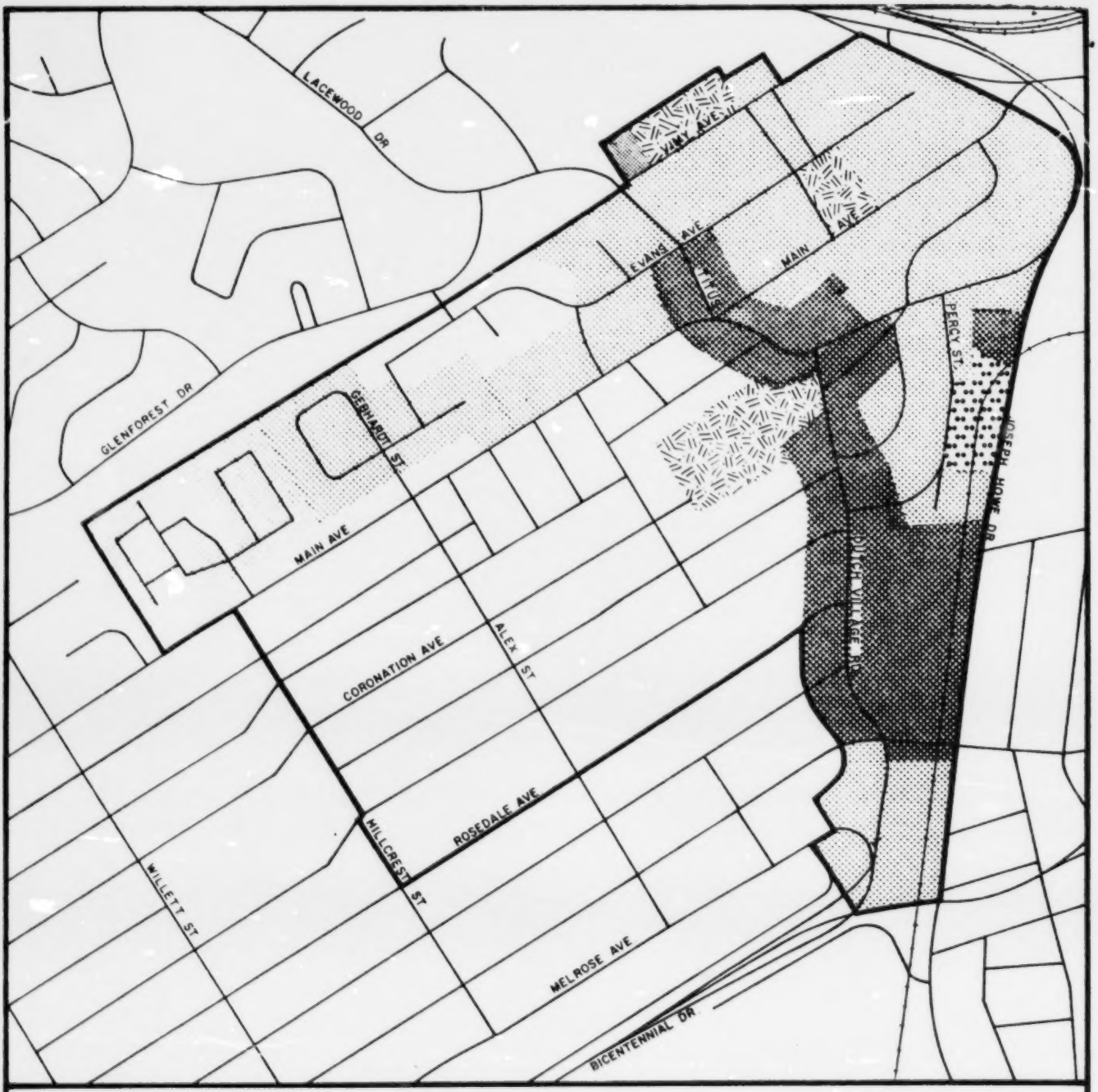
If it is the Committee's opinion that regulatory changes should be considered it is further recommended that the Planning Advisory Committee set the date for a public meeting to consider possible changes to the Plan and zoning in the light of municipal service improvements and recent development.

Staff will prepare appropriate Plan and Land Use Bylaw amendments if the Planning Advisory Committee subsequently wishes to recommend an alternative policy direction to Council.

Richard J. Matthews
Acting City Manager

/lh

Prepared by: Yvonne Macor, Planner I



Fairview Detailed Area Plan

Map 9c

See P200/12088

Generalized Future Land Use

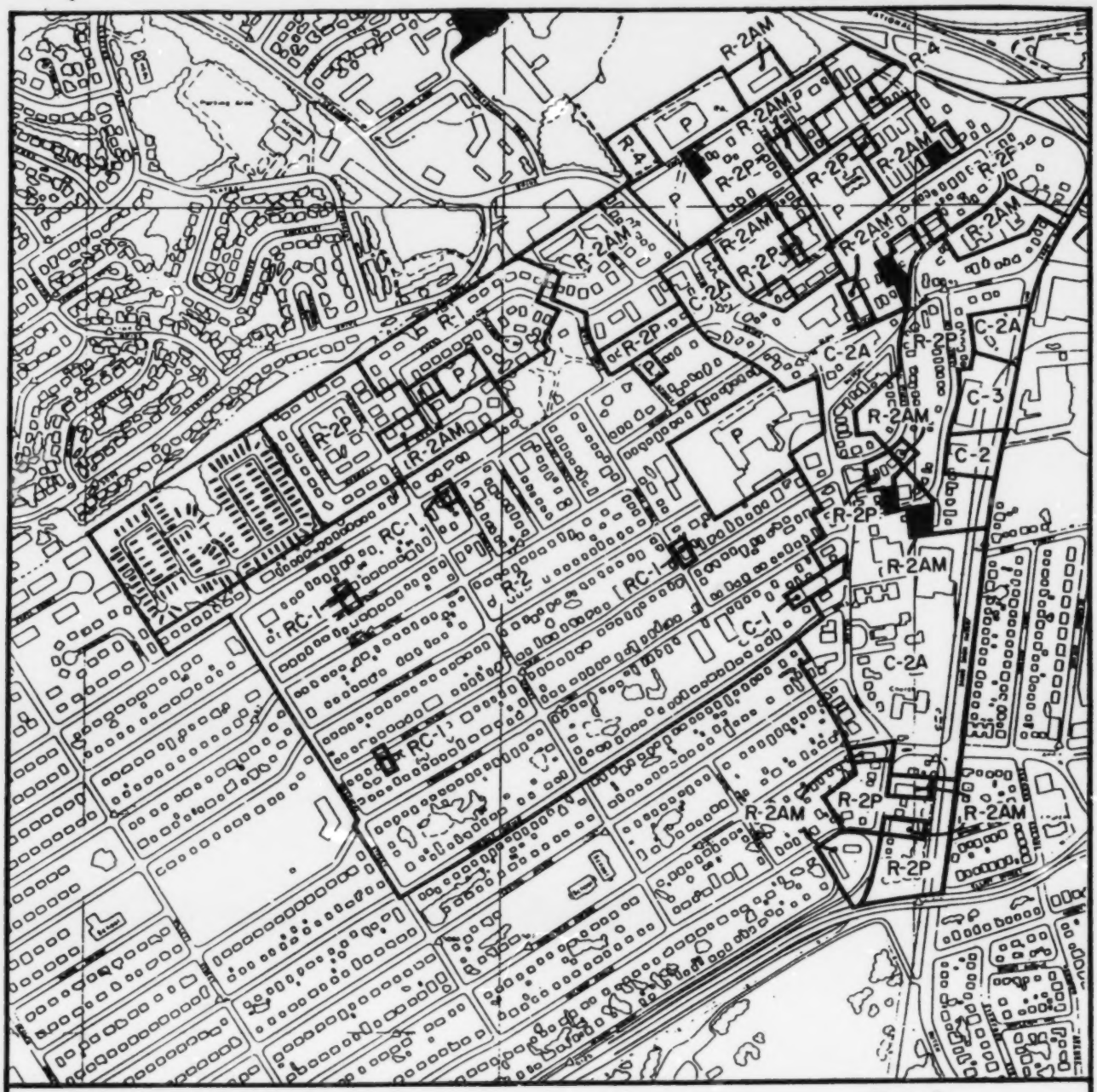
Map 1

- Low density residential
- Medium density residential
- High density residential
- Minor commercial
- Community facilities
- Commercial

Feet

0 500

Planning Department
City of Halifax



Fairview Secondary Planning Strategy

Map 2

Existing Zoning

R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-2P	General Residential
R-2AM	General Residential (conversions and infill)

Changes 1985-1988

C-1	Local Business
C-2	General Business
C-3	Industrial
R-4	Multiple Dwelling
RC-1	Neighbourhood Commercial
C-2A	Minor Commercial
T	Mobile Home Park
P	Park and Institutional

Feet
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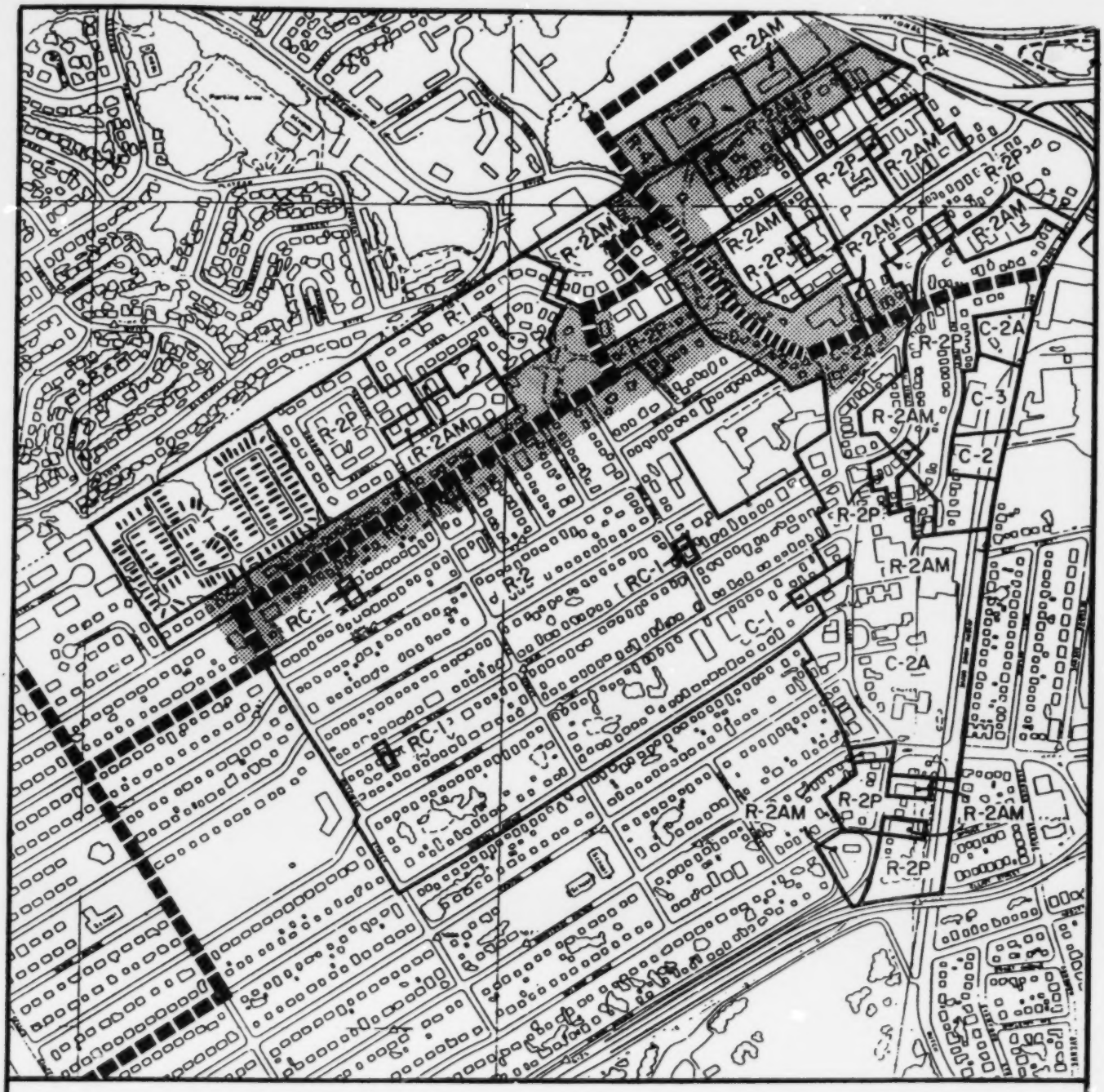
Planning Department
City of Halifax



Fairview Secondary Planning Strategy Area - Zoning Map

Map 3

Sanitary and Storm Sewer Improvements

New sewer lines completed since 1985

Drainage improvements budgeted for 1988

Areas with capacity for increased residential density

Feet

0 500

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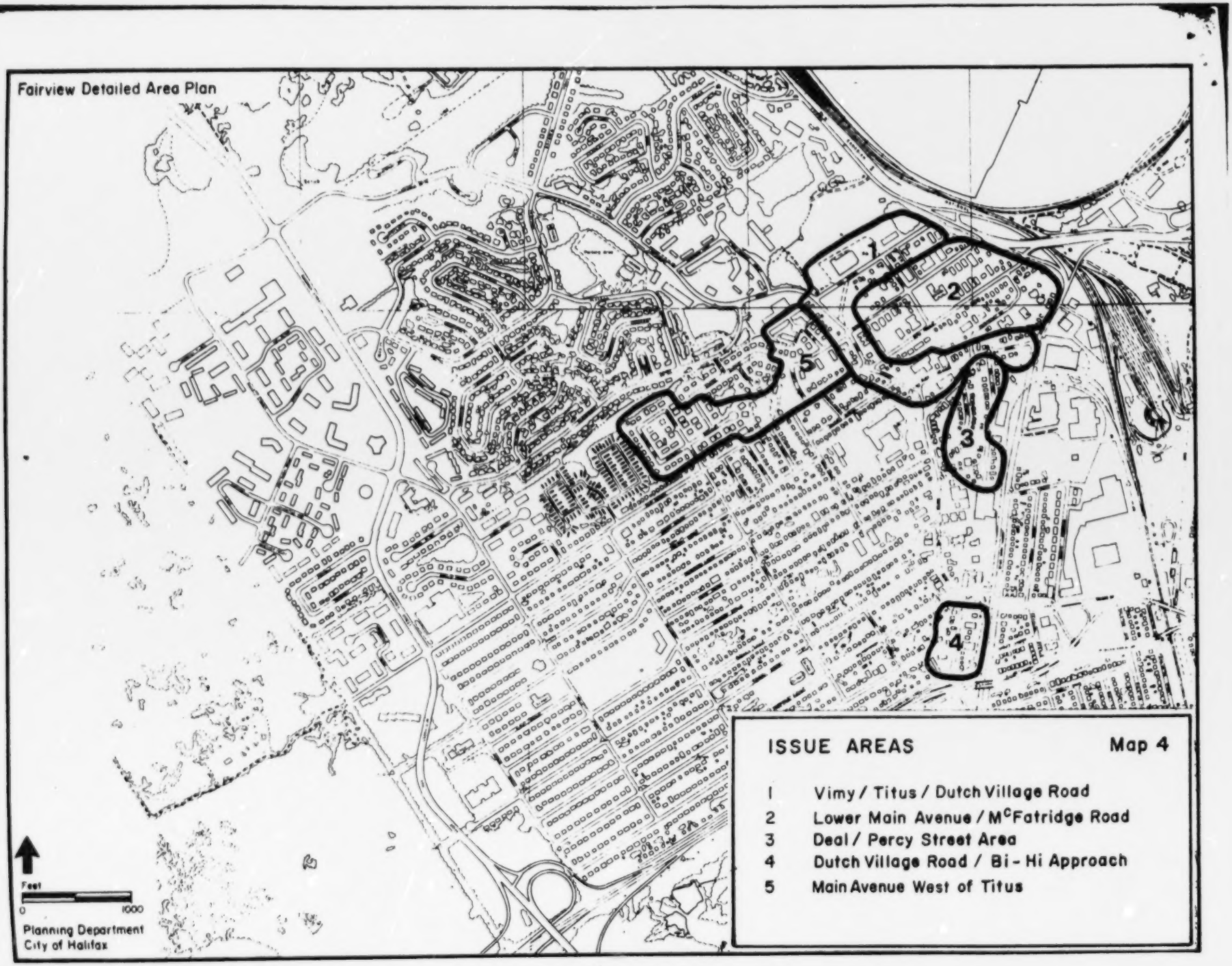
City of Halifax


Fairview Detailed Area Plan
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4
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ISSUE AREAS
Map 4
1 Vimy / Titus / Dutch Village Road
2 Lower Main Avenue / McFatridge Road
3 Deal / Percy Street Area
4 Dutch Village Road / Bi - Hi Approach
5 Main Avenue West of Titus
Feet
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Planning Department
City of Halifax

Fairview Detailed Area Plan

Map 9c

See P200/12088

Generalized Future Land Use

Map I

- Low density residential
- Medium density residential
- High density residential
- Minor commercial
- Community facilities
- Commercial

Feet

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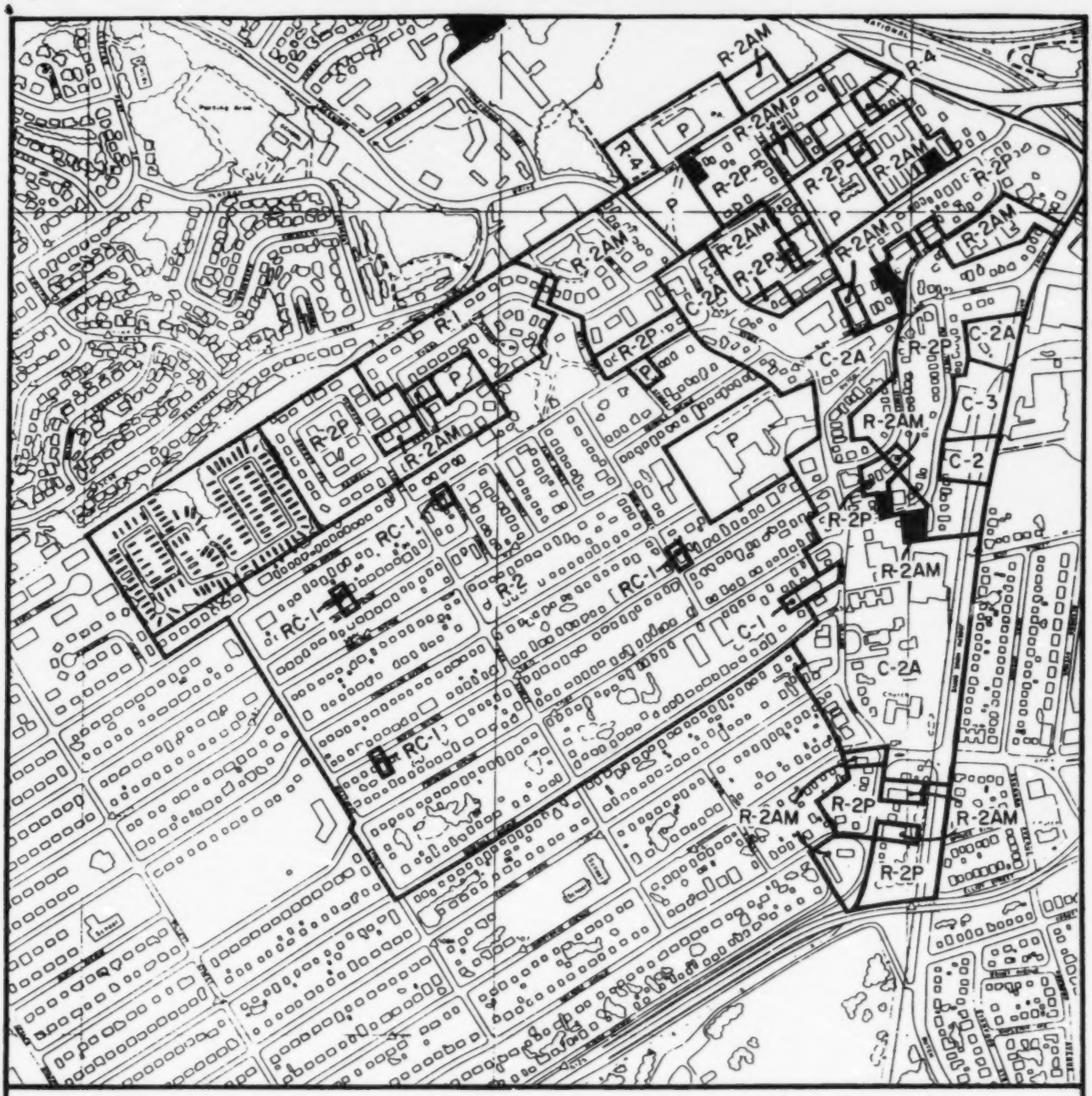
Planning Department
City of Halifax



Fairview Secondary Planning Strategy

Map 2

Existing Zoning

R-1	Single Family Dwelling	C-1	Local Business
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		RC-1	Neighbourhood Commercial
		C-2A	Minor Commercial
		T	Mobile Home Park
		P	Park and Institutional

Changes 1985-1988

Feet

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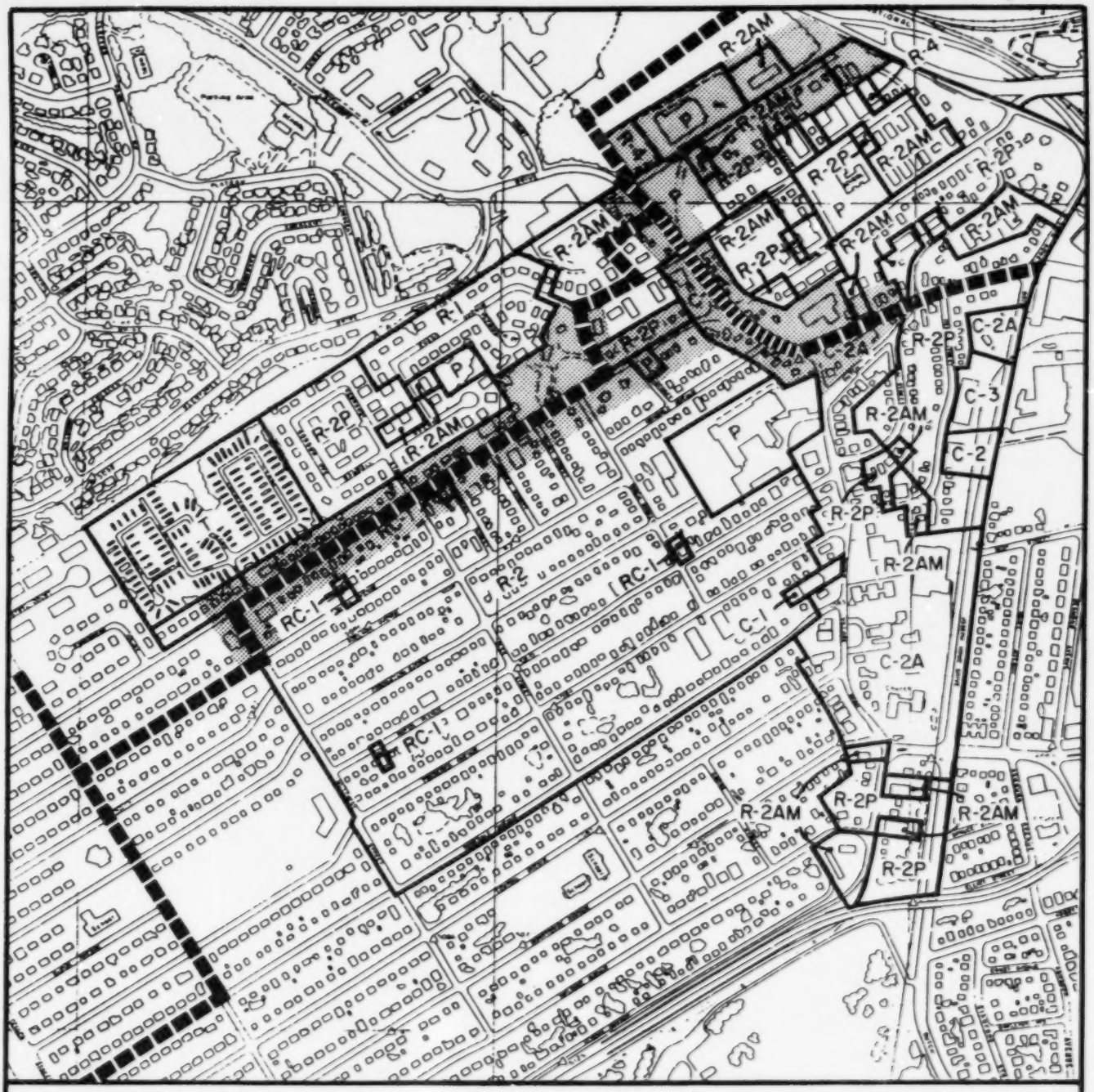
Planning Department
City of Halifax


R-2AM
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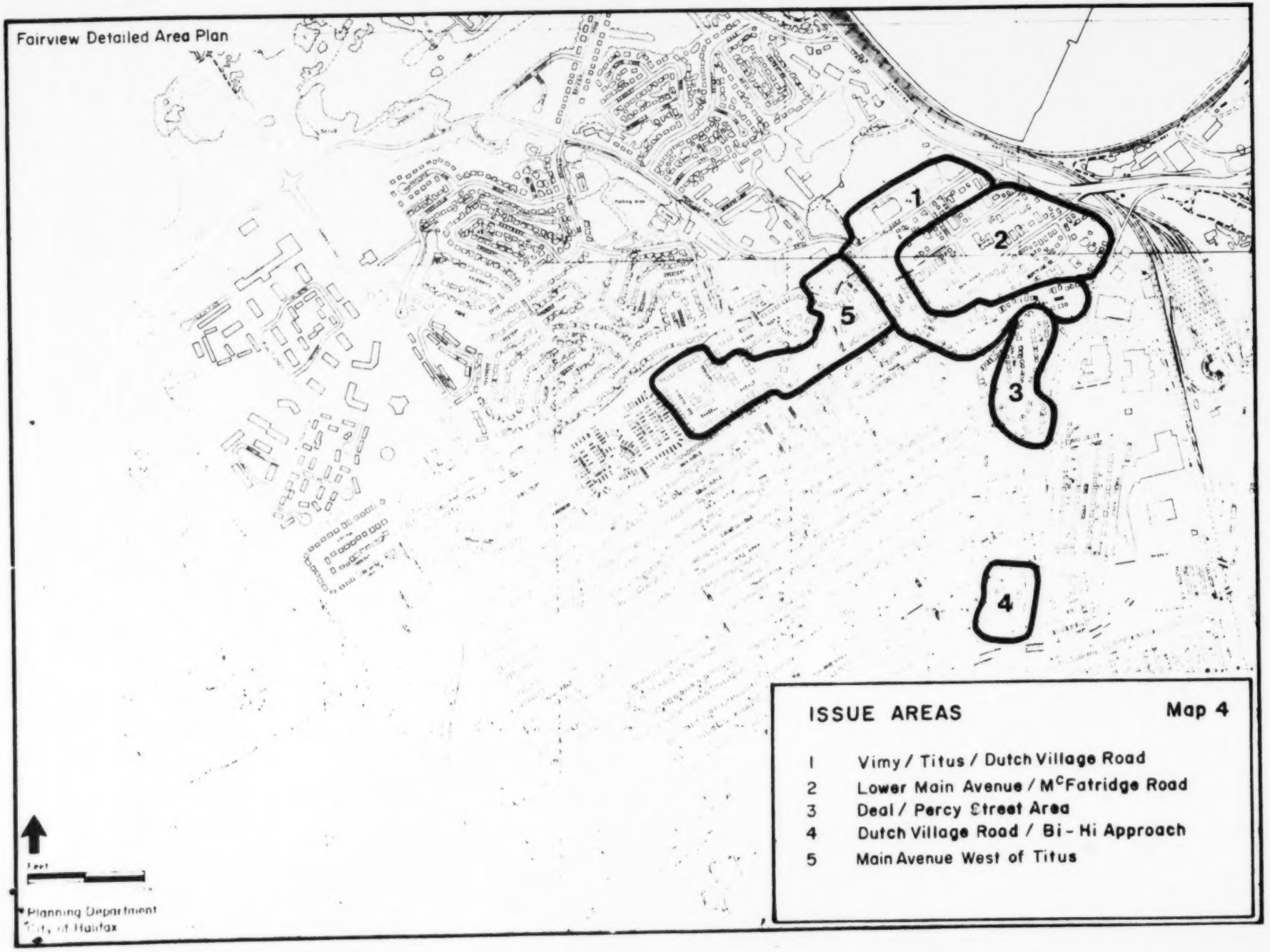
Fairview Detailed Area Plan
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